



Planning, Program Development and Real Estate Committee

Item IV - B

March 13, 2014

**Approval of Takoma Amended Joint
Development Agreement and Compact
Public Hearing**

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

<input type="radio"/> Action <input checked="" type="radio"/> Information	MEAD Number: 200172	Resolution: <input checked="" type="radio"/> Yes <input type="radio"/> No
---	------------------------	--

TITLE:

Approval of Takoma Amended JDA and Public Hearing

PRESENTATION SUMMARY:

Request Board approval of 1) an amended and restated Takoma Joint Development Sales Agreement (JDA) and 2) a proposed Compact Public Hearing on changes to WMATA facilities.

PURPOSE:

- Approve negotiation and execution of amended and restated Takoma Joint Development Sales Agreement; and
- Approve holding a Compact Public Hearing on changes to Metro facilities.

DESCRIPTION:

Key Highlights:

The amended and restated agreement incorporates all of the desired joint development project attributes as defined in the WMATA Joint Development Policies and Guidelines. Staff’s approach toward the negotiation of the amended and restated agreement has followed the processes described in those guidelines.

Achievement of Joint Development Project Attributes

The WMATA Joint Development Policies and Guidelines outline 10 desired attributes of joint development projects relating to smart growth and transit-oriented development. The proposed amended joint development agreement for Takoma addresses all of these items as indicated below:

Desired Project Attributes	How Addressed in Amended JDA
Integrate WMATA's transit facilities	Reviewed transit access by all modes (pedestrian, bicycle, bus, private vehicle) to create a revised station access plan. Then, the development was fit around and above those transit functions.
Reduce automobile dependency	The proposed development increases the ratio of dwelling units per parking space, replacing the two-car garage townhomes that were previously envisioned.
Increase pedestrian/bicycle originated transit trips	The revised plan incorporates enhanced connections across the open space, and creates provisions for a Capital BikeShare station and Bike & Ride facility.
Foster safe station areas	The development helps to anchor the north end of the station property, replacing the surface parking lot. The new kiss-and-ride and short term parking has been designed to enhance safety through higher ceiling heights, increased lighting, and maintaining clear visibility to other areas of the property.
Enhance surrounding area connections to transit stations	Proposed improvement and paving of sidewalks help better connect pedestrians to the station from the surrounding community.
Provide mixed-use development including housing and the opportunity to obtain goods and services near transit stations	The development has a residential focus, but will help create additional much-needed foot-traffic to support the existing retail corridors in Takoma and Takoma Park.
	The proposed development incorporates existing open

Offer active public spaces	space, and also preserves a portion of that space in perpetuity for a public park.
Promote and enhance ridership	The project provides for increased density on the site and reduced private automobile parking compared to the previous townhome plan. Together, these actions help create a more transit-focused development.
Generate long-term revenues for WMATA	The project will provide an immediate cash payment to WMATA, as well as increased revenues associated with development-generated ridership.
Encourage revitalization and sound growth in the communities that WMATA serves	The proposed development is more representative of transit-oriented development. The mid-rise massing is also more consistent with surrounding projects. Through careful massing and site planning, the development team has reduced the impact of the building on the Eastern frontage to better respect the single family homes on the opposite side of the street.

Community Engagement

Further, of the process steps outlined in the Policies and Guidelines, staff placed a particular emphasis on community engagement. In arriving at a project that addressed the attributes described above, WMATA staff worked very closely with the community over a period of several months. Staff engaged elected officials and community leaders in both Takoma (DC) and Takoma Park (MD) at the outset of this process to gain a better understanding of the community's concerns with the prior development program. As the re-design moved forward, staff returned to the community to present revised station area plans and conceptual plans to gain additional input. At each step in the process, staff focused on pushing as much information as possible to the community to demonstrate how the community's concerns were being addressed through subsequent refinements in the plan. Staff then participated in formal public meetings both in Takoma (DC) and Takoma Park (MD) to present the revised plan for the joint development and to collect community feedback, which was subsequently addressed through additional refinements in the plan.

This community engagement will not end upon approval of the amended joint development agreement, however. As described below subsequent public hearings will include a WMATA Compact Public Hearing to collect feedback on the revised transit facilities as well as public hearings and community meetings related to the Planned Unit Development (PUD) process.

Station Access Planning and Analysis

Metro staff and consultants conducted station access planning and analysis to assess the adequacy of transit facilities. As a result of this analysis, the following plan elements will be provided:

- Approximately 95 Metro metered parking spaces on the ground floor of the internal garage will replace 141 metered spaces for Metro patrons which have historically not been more than 50% occupied. The developer will build the new spaces at its own cost and own and maintain the garage. Metro will install the meters and collect the revenue from the new spaces;
- A reconfigured Kiss & Ride area for Metro patrons, also on the ground floor of the garage, that will accommodate approximately the same number of vehicles as today's Kiss & Ride facilities and provide spaces for disabled customer pickup and dropoff and for shuttles;
- Preservation of the existing bus bay area with a slight expansion to the east to include overall ten bus bays and one dedicated layover bay, inclusive of one new dedicated layover bay and one new bus bay;
- A bike station for 105 bicycles to be installed by Metro in 2014 next to the station entrance; and
- New paths in the existing and largely preserved open space area that will recognize where pedestrians actually walk. The developer will re-landscape, refresh and maintain this open space area. Metro will dedicate one acre of this open space area for a permanent public park and retain the rest for future transit improvements as they are needed.

Metro will hold perpetual easements to preserve its access to and use of its parking and Kiss & Ride facilities on the developer's property, which comprises nearly three acres of the entire 6.8-acre site. Metro will continue to own the remainder.

Except for the bike station, which Metro will install in the near term, the developer will build the new Metro

facilities at the developer's cost. In addition to the replacement and expansion of Metro facilities, the developer will pay Metro for the site upon closing, which will occur following any additional required Metro Board and Federal Transit Administration and zoning approvals.

Compact Public Hearing

Finally, the WMATA Joint Development Policies and Guidelines (Section 7.1) stipulate that a Compact Public Hearing (if required) shall occur after WMATA Board approval of the joint development agreement. Upon Board approval of this amended agreement, we will immediately begin preparations for the public hearing in accordance with these WMATA Policies.

Background and History:

Metro issued a solicitation for the Takoma site in July 1999 and one year later signed a Board-approved term sheet with EYA, the developer that proposed to build townhouses. The parties deferred execution of a sales agreement until 2005, following completion of a District of Columbia small area plan for the station vicinity. The Metro Board approved a Compact Public Hearing Report on the relocation and replacement of Metro facilities in 2007, and the Federal Transit Administration approved the redevelopment agreement in March 2009. Over the course of the project development process, citizens of the Washington, DC Takoma neighborhood in which the project is located and adjacent Takoma Park, MD raised questions about the use of the site and the need for future Metro facilities. Staff undertook detailed research and analysis to address these concerns.

Once the concerns were resolved, though, financing for the project became unavailable due to the recession that began in 2008. Further, after the 2007 public hearing, enhanced Metro facility standards increased replacement costs and mid-rise development has occurred surrounding the site bringing into question, respectively, the financial feasibility of the project and the suitability of townhomes for the site.

As a result of these issues, Metro staff and the developer consulted local representatives and citizens to rethink the site plan. The result is an amended plan and financial structure for the Takoma station joint development project.

The Amended and Restated Joint Development Sales Agreement with EYA, the site's developer, provides for the development of a mid-rise apartment building. The area used for development is currently the Metro metered parking lot. The apartments will flank an internal garage.

Metro will hold perpetual easements to preserve its access to and use of its parking and Kiss & Ride facilities on the Developer's property, which comprises nearly three acres of the entire 6.8-acre site. Metro will continue to own the remainder.

Except for the bike station, which Metro will install in the near term, the developer will build the new Metro facilities at the developer's cost. In addition to the replacement and expansion of Metro facilities, the developer will pay Metro for the site upon closing which will occur following any additional required Metro Board and Federal Transit Administration and zoning approvals.

Upon Board approval to do so, Metro expects to hold a Compact Public Hearing to gather comments from the public on the revamped Metro facilities. The results will be brought to Metro's Board for approval. The District of Columbia will also review the project under its Planned Unit Development approval process.

Following PUD approval and local government building permit approvals, the developer will begin construction on the site in late 2016 or early 2017, depending upon the length of time for Metro and public approvals. The project will take approximately 24 months to complete. The metered parking area will either be temporarily replaced or, if no temporary replacement is feasible, be unavailable during construction. In the latter case, customers will be directed to the nearest stations with parking. The Kiss & Ride area is expected to be temporarily relocated to curbside on abutting streets.

Discussion:

The Amended and Restated Joint Development Sales Agreement with EYA, the site's developer, provides for the development of an approximately 208-unit mid-rise apartment building. The area used for development is the current Metro metered parking lot. The apartments will flank an internal garage.

As originally designed in the spring of 2013, the project had approximately 266 multifamily units. Owing to Metro

review and requirements for improved pedestrian access to the station and to community concerns about massing along Eastern Avenue, the overall footprint of the project has been substantially reduced, and four stories along Eastern Avenue have been reduced to three stories. This has resulted in an over 20% decrease in the number of apartment units.

Also in response to community concerns, the project will include one acre of open space that will be preserved in perpetuity for public use. The open space will be maintained by the developer.

FUNDING IMPACT:

There is no immediate impact on funding. Upon a closing of the sale of the property, Metro will receive replacement parking facilities, new bus improvements, enhanced pedestrian and bike access to the station plus cash that can be used for other Metro needs.	
Project Manager:	Rosalyn Doggett
Project Department/Office:	CFO/LAND

TIMELINE:

Previous Actions	<p>July 2000 – Board approval of Term Sheet with developer</p> <p>June 2005 -- Execution of Sales Agreement after completion of DC small area plan</p> <p>Nov 2007 -- Board Approval of Compact Public Hearing Report</p> <p>March 2009-- FTA approval of project</p>
Anticipated actions after presentation	<p>Early 2014-- Execution of amended and restated agreement</p> <p>Mid 2014-- Second Compact Public Hearing</p> <p>2016-17-- Closing on sale of property after local approvals</p>

RECOMMENDATION:

- Approval to negotiate and execute an amended and restated Takoma Joint Development Sales Agreement; and
- Approval to hold a Compact Public Hearing on changes to Metro facilities.



Washington Metropolitan Area Transit Authority

Approval of Takoma Amended Joint Development Agreement and Compact Public Hearing

Planning, Program Development and Real Estate Committee

March 13, 2014



Purpose

Request Board authorization to:

- Negotiate and execute an Amended and Restated Sales Agreement for the Takoma Joint Development
- Conduct a Compact Public Hearing





Background

Between the October PPDRE and today's meeting, staff:

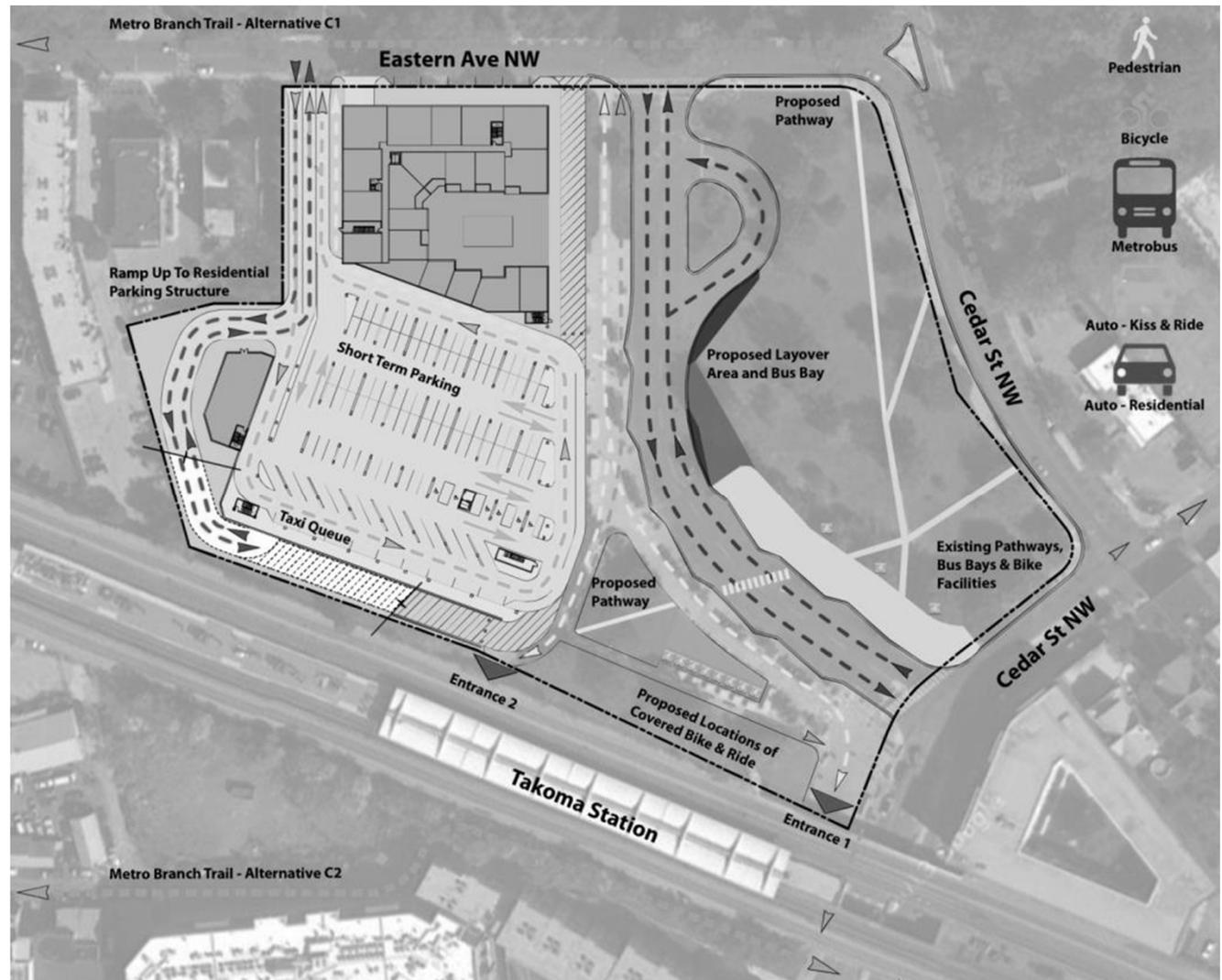
- Completed a Traffic Study
- Received Revised Plans from Developer
- Documented Parking and Dropoff Accessibility
- Reviewed City of Takoma Park resolution



Background – Revised Takoma Plan

The new plan addresses:

- Development context
- Site constraints
- Metro transit needs
- Community needs and objectives





Next Steps

- WMATA Board – Approval of Amended Joint Development Agreement (JDA); Approval to Conduct a Compact Public Hearing
- **Compact Public Hearing** (including traffic study results)
- WMATA Board - Approval of Compact Public Hearing Report; Approval to Amend JDA (if necessary)
- **Planned Unit Development (PUD) Preparation** (including Community Meetings)
- PUD and HPRB Submissions
- **Zoning Commission Set-down Hearing**
- **Community Meetings**
- **Zoning Commission Full Public Hearing**



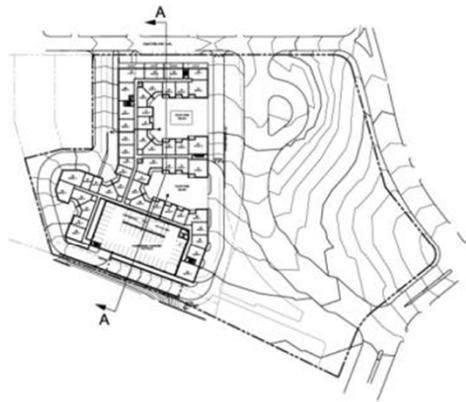
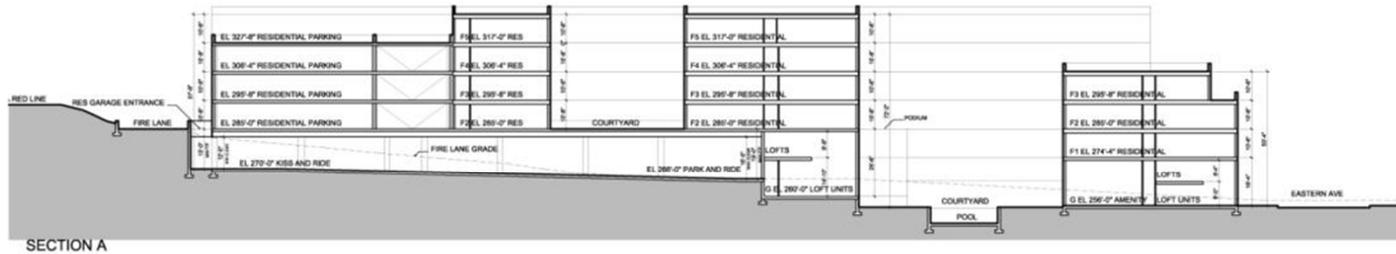
Recommendation

Request Board authorization to:

- Negotiate and execute an Amended and Restated Sales Agreement for the Takoma Joint Development
- Conduct a Compact Public Hearing



Appendix 1: Massing Diagram



TAKOMA METRO SITE
EYA

BUILDING SECTION

WASHINGTON, D.C.
11.01.2013



A08

Architecture+Planning
8605 Westwood Center Dr.
Suite 300
Vienna, VA 22182
703.992.6116
ktgy.com





Appendix 2: Parking Accessibility



TAKOMA METRO SITE

EYA

PARKING ACCESSIBILITY

WASHINGTON, D.C.
K I T G Y # 2811-0191 10.08.2011

Architecture+Planning
8605 Westwood Center Dr.
Suite 300
Vienna, VA 22182
703.992.6116
kitgy.com





Appendix 3: Review of City of Takoma Park Resolution

Review of City of Takoma Park Resolution

Appendix 3
Review City of Takoma Park Resolution 2013-68
WMATA Board Roles vs. Local Planning and Zoning Roles

#	Item	WMATA Board Role	Local Planning and Zoning Role	Discussion
1	WHEREAS, the City of Takoma Park deeply values the access to bus and rail transit provided by the Takoma Metro station on our border with Washington, DC; and	N/A	N/A	
2	WHEREAS, the Washington Metropolitan Area Transit Authority (WMATA) is a public body whose responsibilities include providing exemplary transit services while maximizing transit accessibility, use, and transit-generated revenue; and	N/A	N/A	
3	any development of WMATA-owned land must maintain exemplary transit access and service while seeking maximum financial returns from development activities; and	N/A	N/A	
4	WHEREAS, WMATA wishes to enter into an Amended Joint Development Agreement with EYA, which had previously proposed building a townhome development on the Takoma Metro station property; and	N/A	N/A	
5	WHEREAS, as part of that Agreement, a design for development of the Takoma Metro station property has been prepared similar to the one presented to the Takoma Park City Council by a representative of EYA on July 22, 2013; and	N/A	N/A	
6	WHEREAS, any design to be considered as part of a Joint Development Agreement should incorporate changes stemming from the findings of the traffic study and the comments of the community, and WMATA should work with the City of Takoma Park as a Local Jurisdiction before the Agreement is considered for WMATA board and board committee approval; and	Yes (impact on WMATA transit operations and access) No (otherwise)	Yes (impacts on off-site traffic)	The design currently is acceptable to WMATA as relates to transit operations and access, but it will be monitored closely as the design becomes more complete in course of the PUD process. Impacts of the proposed development on off-site traffic and proposed mitigation measures will be addressed during the District of Columbia Planned Unit Development (PUD) process.

Appendix 3
Review City of Takoma Park Resolution 2013-68
WMATA Board Roles vs. Local Planning and Zoning Roles

#	Item	WMATA Board Role	Local Planning and Zoning Role	Discussion
7	WHEREAS, the City looks forward to the site's development because, done well, the project has enormous potential to be a signature project for the City of Takoma Park as much as for the District of Columbia; and	N/A	N/A	
8	WHEREAS, the City looks forward to working in close coordination with WMATA, our Washington, D.C. neighbors, and EYA to fully realize the potential of the site; and	N/A	N/A	
9	WHEREAS, the City acknowledges that the project needs to succeed financially for the developer and notes that this outcome need not be incompatible with the City's objectives; and	N/A	N/A	
10	WHEREAS, in the final design, the access by pedestrians, bicyclists, handicapped patrons, and bus riders should be easy, safe, comfortable and attractive and the transit facilities must be of an adequate capacity to accommodate the community's transit needs for decades; and	Yes	No	<p>These considerations are also important to WMATA, and that WMATA's process requires that any final design provide access by pedestrians, bicyclists, handicapped patrons and bus riders that is satisfactory to WMATA.</p> <p>Community input on proposed changes to transit facilities will occur through the WMATA Compact Public Hearing process, and the WMATA Board must approve the Compact Public Hearing Report that results from the hearing.</p>
11	WHEREAS, any development of the property should be compatible with the surrounding neighborhoods in Takoma Park, Maryland and Washington, D.C.; and	No	Yes	Review of proposed design, relationship to surrounding development, and approaches for refining the design to mitigate any potential impacts will occur during the DC PUD process.
12	WHEREAS, the Council held a public hearing on the Takoma Metro development design on October 7 and received testimony from 26 people and organizations with varied opinions on the proposed development; and	N/A	N/A	

Appendix 3
Review City of Takoma Park Resolution 2013-68
WMATA Board Roles vs. Local Planning and Zoning Roles

#	Item	WMATA Board Role	Local Planning and Zoning Role	Discussion
13	WHEREAS, the current design (attached) places the drop-off location for the Metro station's elevator entrance at a distance two to three times greater than the current location, posing a hardship for the elderly and persons with disabilities; and	Yes	No	<p>The drop-off location was established pursuant to WMATA's station planning process and was coordinated with and vetted by the WMATA Office of ADA Planning and Policy and the WMATA Accessibility Advisory Committee.</p> <p>Further, the statement from the City's resolution is not correct. The drop-off location is actually closer to the station elevator.</p> <p>There remains an opportunity for further community input on proposed changes to transit facilities through the WMATA Compact Public Hearing process.</p>
14	WHEREAS, the design places a loading dock in a location opening directly onto Eastern Avenue and in a configuration such that large vehicles, including waste-hauling and delivery trucks, must back across the sidewalk (which will be a primary pedestrian path to the transit facilities); and	No	Yes	While not an unusual configuration for a loading dock, this type of design detail and impacts to vehicular and pedestrian traffic will be reviewed and refined in conjunction with the DC PUD process.
15	WHEREAS, the design shows five stories along Eastern Avenue, with three stories set back just 23 feet from the street and two additional stories just eight to ten feet back from the front of the building, which would be a large mass directly across a narrow right of way from single family homes; and	No	Yes	The current design actually presents three stories along Eastern Avenue, rising to four stories stepped back away from the face of the building. As above, this massing and other design details will be addressed as part of the DC PUD process.

Appendix 3
Review City of Takoma Park Resolution 2013-68
WMATA Board Roles vs. Local Planning and Zoning Roles

#	Item	WMATA Board Role	Local Planning and Zoning Role	Discussion
16	WHEREAS, the R-5-A zoning of the portion of the proposed Takoma Metro development site on Eastern Ave. NW allows a maximum height of three (3) stories/forty (40) feet. The C-2-A zoning of the portion of the site set some distance back from Eastern Ave. NW allows a maximum height of fifty (50) feet. While a Planned Unit Development process could allow deviation from current zoning, neighborhood compatibility suggests that the building height should comply with zoning limits, with the step-up to more than three stories of the building set back to the boundary of the C-2-A zone; and	No	Yes	The height and massing of the building will be addressed as part of the DC PUD process.
17	WHEREAS, the design places parking access lanes only nine feet from the adjoining multifamily residential property on Eastern Avenue, providing little buffer for the residents; and	No	Yes	The height, massing, and buffering of the building will be addressed as part of the DC PUD process.
18	WHEREAS, the design shows 178 parking spaces for the 212 apartment units which, at a .844 parking ratio is too high for a transit-oriented development, creating neighborhood traffic impact and risking sacrifice of transit-use revenue to driving; and the plan shows just 98 parking spaces for transit users despite significant community demand for parking, discouraging transit use by community residents who wish to drive to the Takoma station; and	Yes (transit parking)	Yes (development parking)	Review and comment on transit parking will be addressed through the WMATA Compact Public Hearing Process. Parking for the private development will be addressed through the DC PUD process
19	WHEREAS, green space on the property is a valued amenity and should be recorded as a permanent park of approximately the same size as the existing green space; and it is important that the green space be attractive and usable; and	Yes	No	In the amended JDA, WMATA has designated one acre of open space to be preserved permanently.

Appendix 3
Review City of Takoma Park Resolution 2013-68
WMATA Board Roles vs. Local Planning and Zoning Roles

#	Item	WMATA Board Role	Local Planning and Zoning Role	Discussion
20	WHEREAS, WMATA is conducting a traffic study for the area around the Takoma Metro property to provide information on the extent to which the development may impact streets and intersections in the area and on the measures that may be taken to address that impact, which the City will comment on at the appropriate time;	No	Yes	Impacts of the proposed development on traffic and proposed mitigation measures will be addressed during the DC PUD process.
21	SECTION 1 – The City of Takoma Park requests that WMATA’s staff and board consider the comments of the City at all stages, prior to all actions that would affect the Takoma Metro station property and transit facilities and the neighboring community and business district.	Yes	No	WMATA staff has engaged with the community (Takoma, DC and Takoma Park, MD) and this engagement will continue on an ongoing basis throughout the process.
22	SECTION 2 – The City asks WMATA and developer EYA to modify the design associated with the Takoma Amended Joint Development Agreement to fully address concerns expressed here about the safety (loading-dock positioning), transit-accessibility (location of drop-off for persons with disabilities), neighborhood compatibility (setback from Eastern Avenue, NW; massing on, and step-back from, Eastern Avenue NW; building height within current zoning limits; and adequate buffer from neighboring building), and traffic and transit-use impact (number of residential parking spaces) of the Takoma project prior to a vote on the Amended Joint Development Agreement.	Yes (transit facilities)	Yes (building design)	There remains an opportunity for further community input on proposed changes to transit facilities through the WMATA Compact Public Hearing process. The other items listed are all related to the design of the project. Those refinements will be addressed as part of the DC PUD process.

Appendix 3
Review City of Takoma Park Resolution 2013-68
WMATA Board Roles vs. Local Planning and Zoning Roles

#	Item	WMATA Board Role	Local Planning and Zoning Role	Discussion
23	SECTION 3 – The City appreciates WMATA’s policy that it “coordinates closely with Local Jurisdictions to implement its joint development program” and asks that such coordination, with the City of Takoma Park as a Local Jurisdiction, continue for the duration of the Takoma project, and that developer EYA, per WMATA’s requirement “to work with Local Jurisdictions throughout the joint development process,” maintain regular contact with the City, working in a timely way with the City regarding design changes, planning, and other project milestones.	Yes	No	WMATA staff has engaged with the community (Takoma, DC and Takoma Park, MD) and this engagement will continue on an ongoing basis throughout the process.