

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
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**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 212-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 a 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:**

<b>Previous Actions</b>	<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>
<b>Anticipated actions after presentation</b>	<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.

**PRESENTED AND ADOPTED: March 27, 2014**

**SUBJECT: APPROVAL OF AN AMENDED AND RESTATED SALES AGREEMENT FOR JOINT DEVELOPMENT AND APPROVAL TO HOLD A SECOND PUBLIC HEARING ON THE REPLACEMENT OF METRO FACILITIES AT THE TAKOMA METRORAIL STATION**

**2014-11**

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

**WHEREAS, In July 1999, WMATA issued a Joint Development Solicitation requesting proposals to develop the Takoma Metrorail Station joint development site; and**

**WHEREAS, On April 20, 2000, the Board of Directors selected EYA Development, Inc., to develop the Takoma Metrorail Station site; and**

**WHEREAS, A Joint Development Sales Agreement between WMATA and Takoma Metro Associates Limited Partnership (an affiliate of EYA Development, Inc.) was executed on June 20, 2005; and**

**WHEREAS, In Resolution #2007-46, the Board of Directors approved a Final Public Hearing Staff Report for the replacement and reconfiguration of Metro facilities at the site; and**

**WHEREAS, Subsequent to the approval of the Final Public Hearing Staff Report, WMATA and EYA Development, Inc. have revised development plans for the site to take into account community input and development changes in the surrounding area; and**

**WHEREAS, The Amended and Restated Takoma Joint Development Sales Agreement will be with TM Associates LLC, as successor to Takoma Metro Associates Limited Partnership and which also is an affiliate of EYA Development, Inc.; and**

**WHEREAS, The Amended and Restated Takoma Joint Development Sales Agreement will contemplate the development of approximately 212 apartment units; and**

**WHEREAS, Residents of the proposed apartment development will increase ridership for the Metrorail system and support for local businesses; and**

**Motioned by Mr. Downs, seconded by Mr. Acosta**

**Ayes: 8 – Mr. Downs, Mr. Downey, Mr. Nichols, Mrs. Hynes, Mr. Dyke, Ms. Bowser, Mr. Acosta and Ms. Porter**

WHEREAS, The Amended and Restated Takoma Joint Development Sales Agreement will provide that WMATA dedicate one acre of land at the station for a permanent public park; and

WHEREAS, The Concept Plan that will be incorporated in the Amended and Restated Takoma Joint Development Sales Agreement substantially alters the placement of Metro facilities previously approved thus necessitating a second Metro Public Hearing; and

WHEREAS, Those facilities will include:

1. Relocated metered parking for Metro patrons on the ground floor of a garage that will be owned and operated by TM Associates LLC, or its successors, and will include approximately 95 metered spaces instead of the current 141 surface lot metered spaces; and
2. Reconfigured Kiss and Ride facilities adjacent to the Metro metered parking area in the garage and additional spaces for taxis and shuttles, all totaling approximately 20 spaces; and
3. A bus loop in the current location containing the existing nine bus bays plus one additional bus bay and one new dedicated layover bay; and
4. Improved pedestrian access to the station entrance from Eastern Avenue/Cedar Street through the open space area reserved for future transit; and
5. A public park of one acre owned by WMATA and maintained by TM Associates LLC, or its successors; now, therefore be it

*RESOLVED*, That the Board of Directors authorizes the General Manager and Chief Executive Officer, or his designee, to negotiate and execute the Amended and Restated Takoma Joint Development Sales Agreement; and be it further

*RESOLVED*, That neither this resolution nor the Amended and Restated Takoma Joint Development Agreement shall be construed as endorsing either the incorporated Concept Plan or any other proposal, design, or plan in regard to the height, setback, or distance from the adjoining property of the proposed residential building nor the number or location of residential parking spaces; and be it further

*RESOLVED*, That WMATA staff shall negotiate with TM Associates LLC, to minimize the number of the project's residential parking spaces in order to promote greater transit utilization by residents and reduce traffic impact; and be it further

*RESOLVED*, That the Board of Directors approves the holding of a second Public Hearing on the replacement of Metro facilities at the Takoma Metrorail Station; and be it further

*RESOLVED*, That the General Manager and Chief Executive Officer, in coordination with the Board of Directors, will establish the date, time and location of the second Public hearing; and be it further

*RESOLVED*, That WMATA will receive public comment on matters regarding residential building design elements during the second Public hearing. WMATA staff shall report such comments in the staff report on the Public hearing and forward those comments to the District of Columbia Zoning Commission; and be it further

*RESOLVED*, That the Board of Directors authorizes the General Manager and Chief Executive Officer to release the Public Hearing Staff Report for public comment, as soon as the Staff Report is available, subject to later submission of the Staff Report Supplement, with final staff recommendations to the Board for its approval. All Board members will receive the staff report concurrently with its release for public review; and be it finally

*RESOLVED*, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



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Kathryn H.S. Pett  
General Counsel

WMATA File Structure Nos.:  
12.7.3 Station Area Plans  
18.8 Public Hearings/Meetings  
21.9.4 Joint Development Agreements