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At Least There Won't Be A Traffic Jam: 25th Street Station and the Failure of a Progressive Agenda

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On January 22, the Maryland Court of Appeals threw out the last remaining legal case brought against the planned development known as 25th Street Station. The Court of Appeals [ruling](#) [2] upheld earlier judgments by lower courts that the plaintiffs had no legal standing to try and halt the development. Like most previous attempts by critics of the project—a handful of community and business groups—the recent ruling never addressed the real issue behind the entire controversy: whether or not local businesses would suffer from the appearance of a retail giant like Walmart.

The law, it seems, is not yet mature enough to consider arguments about the wider economic impact of “big box” retailers. Community groups prioritize concerns like traffic flow and sustainable development. And most of Baltimore's City Council members seem easily duped by the retail giant's promises of jobs.

The Development Plan

The 11-acre space in Remington has been home to a now-defunct car dealership for decades. In 2009, Baltimore City extended something called an Empowerment Zone to include the site, allowing for future developers to benefit from tax breaks up to \$10 million over the next decade. Six months later, the City revealed that WV Urban Development LLC would purchase the site. They planned on building up 330,000 square feet of retail space, 70-90 residential units on a nearby street, and more than a thousand parking spaces. A 24-hour Walmart and a Lowe's home improvement store would anchor the development, which would also include new, presumably independent retail shops. Beyond this, there were little details presented to the public.

The most important numbers were the promised jobs: 400 openings for construction of the development, and 700-750 permanent jobs after that. The new site would be “an urban mixed-use complex” that was “compatible with the scale and character of the surrounding neighborhoods.” It would be a truly green project, using roof gardens, “micro-bioretenion basins”, and a state-of-the-art lighting system that would “harvest daylight” to reduce energy consumption.

In November 2010, the City Council approved a special zoning permit that was needed for the development to go forward. Baltimore's 70-years-old zoning code is geared towards geographically separate commercial and residential districts, and a new retail development in residential areas like the 25th St. Station project would need a special permit granting it the status of a Planned Unit Development.

In 2011, Lowe's pulled out of the development, probably part of a nationwide move to cut its operations in response to a declining economy.

Until last month, WV Urban Development LLC was unable to purchase the site because of pending legal cases against Baltimore City that challenged the development plans.

Missed Opportunities for Killing the Development Plan

There were four points in the past few years where opponents could have stopped the development, or exerted enough pressure to force a compromise with the developers and mitigate any impact on local businesses.

The initial designation of the site to be part of the Enterprise Zone—thereby ensuring \$10 million in tax credits—was done mostly in secret, a typical occurrence at the Baltimore City Council. Only a handful of people attended the hearings, and few took notice of the secretive declaration at the time.

The next opportunity would come when the developers tried to get approval as a Planned Unit Development. The City Council was tasked with approving the permit in late 2010, and by now, all kinds of community groups had sprung up to pressure their representatives into killing the project. Groups like Bmore Local—composed of several area businesses—tried to force the developer to

sign an agreement with them. The agreement would have forced any retailers with more than 15 employees at the site to hire 60% of them from within a 5-mile radius, and pay them \$12.25 an hour, the current Maryland Living Wage Standard. The proposal also called for workers working more than 35 hours a week to receive health insurance, for 15% of retail space to be designated for local independent businesses, and for 25% of new residential units to be for affordable housing.

But the developers instead reached out to more sympathetic neighborhood groups and made agreements that met their demands instead: traffic control measures and other concerns. When it came time for the [vote](#) [3], there was nothing to stop the permit.

With this, opponents lost their only opportunity for making arguments about how the development would impact the neighborhood. Instead of focusing on issues like a living wage or health insurance, the developers got away with trivial agreements over traffic or “green” building standards.

Keep the Traffic Moving

There are two neighborhood associations in Remington: the older Remington Neighborhood Alliance (RNA), and the [Greater Remington Improvement Association \(GRIA\)](#) [4]. (Full disclosure: the writer was once a member of the RNA, and a previous Indyreader editor was a member of GRIA). The RNA—which has a reputation for being particularly picky about development—criticised the City for failing to plan ahead for the inevitable traffic flow that comes with a 24-hour Walmart. GRIA negotiated with the developers on its own, and came out with an agreement about issues like traffic that satisfied them.

In March 2010, lawsuits by Remington residents Allen Hicks and Douglas Armstrong were dismissed by courts: despite living a few blocks away from the site, the plaintiffs had no standing to challenge the City's non-transparent approval of the zoning permit, nor to complain about bad traffic plans.

The most recent lawsuit against the development, which was thrown out on January 22, was brought by Benn Ray and Brendan Coyne, who had [criticised](#) [5] the project's economic impact early on. They were both leaders of Bmore Local, the organization formed to promote local, independent businesses. Ray is the co-owner of Atomic Books, an independent bookstore in Hampden, a neighborhood that sits next to Remington.

In December 2010, the pair filed a case seeking judicial review of the City's PUD grant. Ray, who lives 0.4 miles from the site, complained the City failed to plan for the increased traffic flow. Coyne, who also lives 0.4 miles from the site, said the development—particularly the opening of a Walmart—would bring his home price down, and bring the entire neighborhood down over time.

Judicial review of zoning permits can be granted for two reasons: if the plaintiff lives close enough to the site to be harmed, or if the plaintiff personally stands to be negatively impacted by the development.

In March 2011 a court dismissed Ray and Coyne's lawsuits saying they were neither close to the site, nor able to show that they were being effected in any way personally. Last month, the top court in Maryland upheld this ruling.

Getting Down to Basics

For people that want to see higher wages and better benefits for workers in Baltimore, there is an important lesson from 25th Street Station: the only way to deal with Walmart is to be pro-active and to battle it in the City Council.

There is talk that advocacy groups like Bmore Local might be able to inject living wage stipulations into the upcoming Baltimore City zoning overhaul. The idea is to require more transparency in future zoning approvals; more places where the public can push its concerns. But this seems overly optimistic, considering the failure of the broad coalition against the 25th Street Station.

The courts have set a strong precedent for any future challenges to development projects, likely making it impossible for individuals like Ray and Coyne to put a stop to objectionable development.

The fight to ensure better jobs or smarter spending of public funds will go on, and not just in Baltimore. Walmart is the “big boy” of retailers: when it changes the way it does business, its massive supply chain and 4,000 retail stores propagate this new trend throughout the US, and increasingly in other countries as well. The only major US city it has been able to crack is Chicago, where after years of opposition, Walmart was allowed to open a store on the West Side in 2006. Today, there are [eight \[6\]](#) Walmarts in that city, and three more on the way.

The push into Chicago triggered the first large-scale [study \[7\]](#) of what Walmart's impact is on an urban environment, and the results were not promising. Of the 306 businesses in the area followed over three years, 82 were forced to close. Walmart created 300 jobs, but the surrounding area also lost an equivalent amount of older jobs. And tax revenues over an 18-month period before and after the store's opening went down significantly.

To be sure, the Chicago study is not able to separate how much of the decline around the Walmart was due to a general downturn in the economy: those 86 businesses might have tanked anyway. But it is an important outcome that should temper any future excitement over big box retailers and their promises of improving the economy. Of course, common sense already provides ample proof that Walmart would take business away from pharmacies or hardware stores, for example. Not to do so would mean Walmart has failed as a capitalist enterprise.

The trend lately has been to pass more general legislation aimed at extracting some kind of benefit from big box retailers. The same year the West Side Walmart opened in Chicago, that city's legislature passed a law that would require businesses making more than \$1 billion a year, with stores larger than 90,000 square feet, to pay their employees a living wage and extra money for buying benefits. Increasing gradually over four years, the wage requirement would peak at \$10/hour, and \$3/hour for benefits. Chicago's Mayor [vetoed \[8\]](#) the bill.

In Baltimore, a three-member City Council subcommittee killed a similar bill in 2010. According to the bill, any retailer making more than \$10 million a year would have to pay a living wage. The bill came before the Labor Subcommittee around the same time the 25th Street Station PUD was being debated. There was talk that Walmart was pressuring councilmembers to oppose the bill. When it came time to vote, one member of the three-person committee voted for the bill, another against it, and one did not care to even show up.

In Washington DC, Walmart is [trying to kill \[9\]](#) a similar “big box” living wage bill, wooing influential

council members to vote against any measure that would “chill economic development.”

When the 25th Street Station finally opens, it will be a loss not only for Remington or the other already-decimated neighborhoods surrounding the site, but also for Baltimore and the larger national movement to end poverty. In fact, it will be a sore reminder of the failure of progressive movements today. National progressive groups continue to support the Democratic party, ignoring the fact that the poorest parts of the country are in cities like Baltimore and Chicago—places their party has run unopposed for decades.

There will be another fight in Baltimore when the next Walmart comes promising poverty-wage jobs, and unless the city's progressive citizens can push their elected representatives to finally ask tough questions, tens of millions in public funds will continue to flow to people who are not willing to fork out a few dollars extra for their workers.

At least there won't be a traffic jam.

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