

From: [David Lindahl](#)
To: [Public Testimony](#); [Barnes, Lee](#); [McCoy, Keema](#); [Bough, Andrea](#); [Ellington, Brandon](#); [Loar, Teresa](#); [Fowler, Dan](#); [Justis, Amy](#); [Shields, Katheryn](#); [Bunch, Eric](#)
Cc: [Said, Morgan](#); Jonathan.Ketz@fox4kc.com; [Mark Rowlands](#)
Subject: Concerns regarding case # 230198 400 Main Street/City Harvest CD-CPC-2022-00174
Date: Tuesday, March 7, 2023 10:57:05 AM
Attachments: [5th-and-Main-RFP-FINAL-POSTING-VERSION.pdf](#)

To the members of the Neighborhood Planning & Development Committee,

Who am I?

I am a resident and business owner in the River Market neighborhood. I love Kansas City so much that I built a business that celebrates our great city! HyperKC is a growing business; we recently reached our five year anniversary despite the challenging pandemic years. The business serves as both an apparel shop for local-artist-designed, Kansas City themed t-shirts, and also as a place for tourists to come and learn about local attractions, restaurants and night-life in the city. We tell most everyone about the wonderful, free streetcar that takes people along Main street between our neighborhood and Union Station. The streetcar itself is an attraction that people drive in from the suburbs to ride on with their families!

I have several concerns about the City Harvest project at 5th and Main which I will detail in this letter:

Current Situation

City Market is owned by the people of Kansas City, Missouri. Small business tenants pay rent to operate at City Market. The parking lot at 5th and Main is owned by the people of Kansas City. Employee parking for City Market small business owners and their hourly, part-time workers is provided in this parking lot. This lot as well as others in the neighborhood, are slated for future construction projects that would reduce or eliminate parking capacity.

The City Harvest plan will eliminate the majority of the City Market tenant and customer parking that is currently available in this lot. The future of this parking lot is controlled by our elected and representative City Council members; in particular, members of the Neighborhood Planning & Development Committee. They are responsible for representing and acting on the needs of residents and business owners in River Market and the surrounding areas. Not just this lot, but all of the publicly owned parking lots in River Market were at or above capacity last year during our peak season. Access to parking is an integral part of City Market's success. The tenants currently utilize 130 parking spaces. Parking is not a luxury for part time workers, it is essential.

City Harvest responds to a PortKC RFP

Flaherty and Collins (City Harvest developer) responded to an RFP from PortKC issued in 2020 (citation: <https://portkc.com/wp-content/uploads/2020/09/5th-and-Main-RFP-FINAL-POSTING-VERSION.pdf>) There were six must have project elements listed in the RFP, but only two of them were extensively detailed with titled sections and multiple paragraphs of criteria: affordable housing (element 1) and parking (elements 2 and 3).

Because this RFP does such a thorough job of setting the expectation, I fully quote that section here: **“Parking.** Proposals must provide for the construction of not less than one hundred sixty (160) parking stalls within a structured parking facility to be constructed by the selected Developer on the Development Site and/or at another nearby off-site location, sufficiently close to service the City Market. These spaces shall be dedicated to transient public parking for a period of not less than twenty-five (25) years (the “Public Parking”). The selected Developer will bear all management, operations and maintenance costs of the Public Parking and may impose charges for the use of the Public Parking, but such charges must not exceed the rates charged to tenants of the Development Site, if converted to a short-term use on an hourly basis. Port KC and the City have not yet determined whether day-to-day management, operations and maintenance of the Public Parking will be handled by the selected Developer or another entity, but this will not relieve the selected Developer of the financial obligations with respect to such costs. Any decision with respect to management, operations and maintenance of the Public Parking will be made jointly by the selected Developer, Port KC and the City at a future date.”

For this next paragraph from the PortKC RFP, PortKC felt the need to type the language out in ALL CAPS. I include it in ALL CAPS here: “THE PUBLIC PARKING WILL BE MADE AVAILABLE SOLELY FOR TRANSIENT PARKERS AND MAY NOT BE REGARDED AS PARKING AVAILABLE TO TENANTS ON THE DEVELOPMENT SITE OR TENANTS’ EMPLOYEES. DEVELOPERS ARE ADVISED THAT ANY PROPOSED DEVELOPMENT PROJECT MUST PROVIDE SUFFICIENT PARKING, WHETHER ON-SITE OR OFF-SITE, FOR THE TENANTS AND THE TENANTS’ EMPLOYEES.” To clarify, they are stating that the required 160 parking spaces are not to be used for apartment tenants, but to be made available as replacement for parking that is being lost due to the project.

And finally, the RFP includes this language: “The affordable housing and parking obligations will be material terms of any development structure negotiated by Port KC with the selected Developer and are non-negotiable.” PortKC says the parking obligations are **non-negotiable**.

The City Harvest project backers independently and unilaterally decided not to include the parking spots required in the RFP. I have to hand it to the developers. They managed to remove their obligation without any negotiations, unless those negotiations were not

documented in a way that is accessible to the public. If the change was never approved (it was non-negotiable anyway, so how could it be approved), and City Council approves it now, then why even write an RFP? Half of the RFP is about parking. Flaherty and Collins didn't even explain why they dropped it.

I don't believe there is a need to reduce parking availability. PortKC put out an RFP and then picked a winning bid that promised to provide both the **non-negotiable** parking and affordable housing. I guess if they went back on their contractual obligation to replace publicly owned parking, then how can we, the public, have confidence that this unlikely affordable housing will ever come to fruition in this LUXURY TOWER with a ROOFTOP POOL and hundreds of spaces exclusively for resident parking?

City Council represents the people?

No dialog exists among City Council members and members of the City Market small business tenant community despite our community reaching out to our elected officials.

I have contacted my City Council representative, Eric Bunch, five times over the last 9 days, and he refuses to communicate with me, or to even hear the needs of small businesses in City Market. It is not just me, 80 people signed a petition representing small businesses throughout the neighborhood. It is as if Eric has made up his mind without speaking to his constituency. I am a River Market resident (7 years), a City Market business owner (5 years) and a member of the board of directors for the River Market Community Improvement District. Yet, my own council person, my own elected official, the person, in our democracy who is paid very well to collect input from his constituency, and reflect that input in his decisions. This man refuses to hear from me. He refuses to tell me what his position is. I spoke to his office assistant and she would not tell me his view. She only said he is too busy to talk to me. She did promise to talk to him and call me back last week. But, that did not happen. To be clear, I called his office and left a message on Monday, February 27, Tuesday, February 28, Wednesday, March 1 (spoke to his assistant), Friday, March 3, and Monday, March 6. No call back from Eric.

Because Eric refuses to carry out his duty as a well-paid elected official, and listen to the members of his district who are stakeholders in the wake of the City Harvest project, I contacted Fox 4 News, and asked them to do a story on this. They agreed that this was important, and came out to interview me. They also managed to corner Eric Bunch and record what I would describe as an uninformed and incorrect quote. The story is here for you to see: (<https://fox4kc.com/news/kansas-city-meeting-gets-heated-over-proposed-river-market-apartment-project/>) Be sure to watch the video and understand that Eric's position is not informed, in any way, by the business owners of City Market or the residents of River Market. It is not informed by the locations of city-owned parking lots or the utilization levels of those lots. It is not informed by the market vendors and employees who have to carry

their products from their cars into the market every day. I don't know what Eric actually does.

Parking Study in the River Market neighborhood

A parking study was done in late 2016 (citation: <https://www.kcmo.gov/city-hall/departments/public-works/parking/river-market-parking>) that lists both a presentation on River Market Parking Audit results and next steps to support public parking, public transit, multi-modal transportation and River Market economic growth and development. In the last six plus years, River Market vehicle and parking traffic has grown, but no studies have been done to address that growth and no plans have been made that include small business owners or residents (key stakeholders) at the table.

Parking audits show an increase in parking demand after the streetcar opened. On street-parking was at the best-practice utilization percentage which is 80%. Parking audits at peak times ranged from 87% to 110% with off-peak times being lower and the average being at 81%. The report states (in 2016) that "Kansas City's River Market district [...] has seen exceptional growth over the last five years," and City Market [...] serves as a major regional destination, especially on summer Saturdays." The report states that "The historic City Market, founded in 1857, continues to be one of the largest and most enduring public farmers' markets in the Midwest, linking growers and small businesses to the Kansas City community. In addition, there are more than 40 full-time tenants that are open year round and offering an eclectic mix of independently owned shops and dining."

The document includes a list of the objectives across stakeholder groups. All of them are important. They are not in conflict with one another if a rational decision making process is used. I have included a few here in quotes, followed by my comments:

Number 1: "The need for accurate, real-time metrics about parking demand and supply" - We do not have this data, yet publicly owned parking lots are being given away to developers without holding them accountable to contractual RFP conditions.

Number 2: "How to use that data to address key policy issues, including when and whether additional investment in parking supply is warranted" - Back in 2017, they were open to increasing parking. Demand is up yet we are potentially decreasing parking.

Number 3: "How to address downtown commuter parking demand related to the streetcar line" - On this point, the streetcar has increased parking demand in the River Market. Commuters parking in River Market, suburbanites coming to the River Market to park and then taking the streetcar to other downtown attractions. Paid parking tries to help address this, but there is no study to show it has helped. Eliminating parking does not help, it shifts the burden to small local businesses in the neighborhood.

“How to provide equitable parking for employees of businesses in River Market” - Parking for employees of City Market was in this plan in 2016, but is not being followed through on. It was also included in the PortKC RFP in 2020 (see link above). Because the project does not provide equitable parking for the employees of businesses in River Market and effectively takes away hundreds of spots (reduced supply, added demand), it was denied approval by the City Planning Commission [CPC] in February of this year (one month ago) due to the lack of parking. Why is the City Council even listening to this proposal without the parking?

“How to meet the parking needs of River Market residents” - I am also a resident and as a resident, parking is a major issue. City Harvest will make it worse.

“How to accommodate the influx of visitors on City Market event days;” Last summer we were told to have our employees park in **borrowed bank parking lots** off Main Street when our lots filled up, which was the rule and not the exception on weekends. If we don’t have a parking capacity issue, then why are we using these private lots outside the neighborhood? Those lots will go away someday. Perhaps later this year. Who is to say? Why doesn’t Kansas City have any nearby city owned parking lots for us to use? **Because there is not enough publicly-owned parking in the River Market neighborhood or nearby to support increasing demand.**

The City Planning Commission Opinion on City Harvest

From CityScene KC: “The [City] Plan Commission voted 4-3 to recommend **denial** of the 300-unit project after hearing from River Market merchants and residents who said the 110 public parking spaces that would be lost at the site would exacerbate an already difficult situation.” (citation: <https://cityscenekc.com/river-market-parking-woes-prompt-plan-commission-to-oppose-apartment-tower/>)

I am just a lowly resident (taxpayer and voter), business owner (also paying business taxes), and employer (more taxes), living and doing business in the River Market neighborhood. If the **City Planning Commission** is saying **NO** to this, maybe you will listen to them? If you won’t listen to residents and business owners, why won’t you listen to the City Planning Commission?

Also from the same article in CityScene KC: “There are also concerns that other River Market apartment projects being contemplated for what are currently public parking lots at **Third and Grand**, and on the **south side of Fifth and Main** will further aggravate the situation.”

Regarding the supporters of this project

I have heard some dialog that we (as a city) need to do **this** (take away parking) in order to

make a shift to a more transit-oriented city. I have a hard time following this argument. Are we saying that we don't want people from Lees Summit, Waldo, Overland Park, Independence, Brookside, Leawood, Olathe, North KC, the northland, Parkville, Odessa, St. Louis, Chicago, Minnesota, Texas, Florida, Las Vegas, California, and on and on, that we don't want them to visit the market? I am in my store meeting my customers every day. They come from all over the world. Today I had a visitor from Japan, another from South America and another from Minnesota; this was on a Monday. They all arrived by car. My chat with the Minnesotan woman led me to share various attractions along the streetcar route and she planned to go exploring while leaving her car in River Market.

Having 400 new residents at City Harvest is great. It may provide us with a handful of new, regular customers. These 400 residents will have cars that they park at their building. They will shop at the City Market. But, they will also drive to Costco, drive to visit friends in Overland Park, drive to work every day, drive to the Legends to shop, and drive to get BBQ at Q39. They will do this because they live in a city that is spread out. They will mostly own cars, and will mostly be keeping them where our parking lot used to be. They will be able to easily drive outside the neighborhood. But our customer base will not be able to easily drive into the neighborhood and park in order to visit the City Market. Every famous destination in Kansa City, MO and in every town and village in the area has parking for employees and customers. Look at Union Station's parking challenges. I recently waited 30 minutes to get into their garage. This is similar to the wait to get into the neighborhood on Market days. Shall we get rid of employee parking at Union Station and let employees park a few blocks away? Will this force them to move downtown? Should we eliminate Crowne Center's parking garage and let folks find street parking? 95% of every person reading this drives their car to most of their desired destinations. Why is City Market different?

Taking away hundreds of parking spots (in exchange for 400 vehicle-owning new residents) will block tens of thousands of customers over the course of a single peak shopping season. Telling the majority of visitors to the market that there is no place to park, will not just harm the small businesses at the market, it will harm the market itself.

The streetcar is itself an attraction and a reason to come downtown and park your car. You come to the market and enjoy the vendors and small local businesses, then you leave your car and ride to Union Station. The extension to the plaza will further increase parking. The planned streetcar extension to the KC Current stadium (which has zero plans for parking) will further add cars to River Market. If you want to make us more transit-oriented, build a time machine and undo urban sprawl, or build a billion dollar subway network. Adding buses won't do it. People who come to the market and **who the market depends on**, do not live on the 2 mile streetcar route, and mostly don't come by bicycle from OP, with their family of 5 and their strollers.

I want to note that I live two blocks from my store. I am an urbanist, a progressive, and a

former university librarian. I would prefer to not own a car. But life doesn't always let you choose your circumstances.

I need my car to run my business. All of my employees are required to own a car because the needs of the business demand that. One of our responsibilities is to move products to the store from our vendors. Another is to show products at local vendor shows and we bring not only products, but also fixtures from our business location to offsite events. This nuance is unique to my business, but that's the thing about small businesses, each one is unique.

Making a retail business work is difficult. It requires creativity, ingenuity, resourcefulness, and even then it sometimes fails. Supporting small business in a world of corporate lobbying and cruel politics requires our city government to pick a side; we only survive with your support. I ask that the KC City Council put forward a plan for City Market tenant parking that starts from a dialog with city market business owners. I ask that the City Council put forward another plan that ensures support for customer parking in this period of growth for the neighborhood.

There are still plenty of options, but at this rate, all the lots will be gone before we are invited to the table.

Thank you,
Dave Lindahl
dave@hyperkc.com

Resident of River Market
Owner of HyperKC in City Market
Member of the Board of Directors on the River Market CID

(please include this letter as well as the RFP attachment to the agenda for case #230198)

|