

## Gloria Sitton

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**From:** Robert Trencheny via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Thursday, June 16, 2016 11:25 AM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #99294: Mayor, Vice Mayor, City Council Mayor Silberberg, Vice Mayor Wilson and

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 99294.

### Request Details:

- Name: Robert Trencheny
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: Tbobx@aol.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Mayor Silberberg, Vice Mayor Wilson and City Council Members:

I am writing to ask you to support a design modification to the new Potomac Yard Metro Station design. The current design includes no provision for Bike Share at PY. Alexandria leadership needs to see Bike Share as public transportation, identical to DASH or Metro. Bike Share moves people around the city efficiently and reduces the number of motor vehicles on the road, there for reducing traffic and pollution in Alexandria.

The Potomac Yard Station is designed without significant parking for station users. The city fully expects Alexandria residents to travel to the station by foot, bike, or public transportation. Please fully support the biking component by adding Bike Share to the design now when it is easy and inexpensive to do. Waiting until after construction will only make it difficult, expensive and disruptive to the ridership.

Thank you for your time,  
Robert Trencheny  
Alexandria VA

- Expected Response Date: Thursday, June 23

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## Gloria Sitton

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**From:** Eldon Boes via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Thursday, June 16, 2016 11:36 AM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #99298: Mayor, Vice Mayor, City Council I urge the City to include a Capital Bik

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 99298.

### Request Details:

- Name: Eldon Boes
- Approximate Address: No Address Specified
- Phone Number: 703-519-3937
- Email: boes509@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I urge the City to include a Capital Bikeshare station at the new Potomac Yard Metro station. Encouraging access of this station by cyclists and pedestrians obviously makes sense because it displaces auto access which is dirtier, louder, and less environmentally benign.

Eldon Boes

- Expected Response Date: Thursday, June 23

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## Gloria Sitton

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**From:** David Kaplan via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Thursday, June 16, 2016 11:09 AM  
**To:** Jackie Henderson; Gloria Sitton  
**Subject:** Call.Click.Connect. #99287: City Clerk and Clerk of Council Dear Mayor Silberberg, Vice Mayor Wilson

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 99287.

### Request Details:

- Name: David Kaplan
- Approximate Address: No Address Specified
- Phone Number: 703-535-3189
- Email: ellisranger@yahoo.com
- Service Type: City Clerk and Clerk of Council
- Request Description: Dear Mayor Silberberg, Vice Mayor Wilson, and members of Council,

I'm a resident of Old Town who has had an annual membership in Capital Bikeshare since 2013. I use it almost every day for commuting, errands, attending meetings, etc. It's a wonderful program, and I'm excited about future plans for expansion to more city neighborhoods.

It's come to my attention that some of my neighbors have asked the city to remove the Bikeshare station recently installed at S. Royal and Gibbon. This would be a mistake. The station provides connectivity to South Old Town, a grocery store, and cycle friendly street routes like the Wilkes Street Bikeway. We need to grow the Bikeshare network in South Old Town where I expect it will be a very popular transportation option.

As you finalize plans for the Potomac Yard Metro Station, I also hope there will be space reserved for Capital Bikeshare stations on both sides of the Metro station. We need to make the station easily accessible for individuals who choose to use Bikeshare for their commute.

I won't be able to attend tonight's public hearing on the station planning but also want to express support for the proposed Potomac Greens-Potomac Yard pedestrian bridge. Fostering connectivity between neighborhoods is essential to the city's vision of making Potomac Yard a great place.

Thank you for all you do for Alexandria.

Very truly yours,

David Kaplan

- Expected Response Date: Thursday, June 23

Please take the necessary actions in responding, handling and/or updating this request at [the \*\*Call.Click.Connect.\*\* staff interface.](#)

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## Gloria Sitton

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**From:** David Kaplan via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Thursday, June 16, 2016 6:24 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #99393: Mayor, Vice Mayor, City Council Dear Mayor Silberberg, Vice Mayor Wilson

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 99393.

### Request Details:

- Name: David Kaplan
- Approximate Address: No Address Specified
- Phone Number: 703-535-3189
- Email: ellisranger@yahoo.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor Silberberg, Vice Mayor Wilson, and members of Council,

I'm a resident of Old Town who has had an annual membership in Capital Bikeshare since 2013. I use it almost every day for commuting, errands, attending meetings, etc. It's a wonderful program, and I'm excited about future plans for expansion to more city neighborhoods.

It's come to my attention that some of my neighbors have asked the city to remove the Bikeshare station recently installed at S. Royal and Gibbon. This would be a mistake. The station provides connectivity to South Old Town, a grocery store, and cycle friendly routes like the Wilkes Street Neighborhood Bikeway. We need to grow the Bikeshare network in South Old Town where I expect Bikeshare will become a popular transportation option.

As you finalize plans for the Potomac Yard Metro Station, I also hope there will be space reserved for Capital Bikeshare stations in both Potomac Yard and Potomac Greens. We need to make the station easily accessible for individuals who choose to use Bikeshare for their commute.

I won't be able to attend tonight's public hearing on the station planning but also want to express support for the proposed Potomac Greens-Potomac Yard pedestrian bridge. Fostering connectivity between neighborhoods is essential to the city's vision of making Potomac Yard a great place. I hope the bridge is designed in a way that it will be usable by both cyclists and pedestrians and provides a pathway that is wide enough to minimize conflicts between the two uses.

Thank you for all you do for Alexandria.

Very truly yours,

David Kaplan

\*I sent this message earlier in the day but appears that it only went to the City Clerk. I apologize if you're receiving this e-mail twice.

- Expected Response Date: Thursday, June 23

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**Gloria Sitton**

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**From:** Jackie Henderson  
**Sent:** Thursday, June 16, 2016 4:19 PM  
**To:** Gloria Sitton  
**Subject:** FW: Potential Question Concerning MOU/Special Tax District Expiration  
  
**Importance:** High

**From:** Mark Jinks  
**Sent:** Thursday, June 16, 2016 4:08 PM  
**To:** City Council  
**Cc:** Joanna Anderson; James Banks; Emily Baker; Yon Lambert; Carrie Beach; Lee Farmer; Jason Kacamburas  
**Subject:** Potential Question Concerning MOU/Special Tax District Expiration  
**Importance:** High

Madam Mayor, Mr. Vice Mayor and Members of City Council:

We understand that members of the community may raise an issue regarding a Memorandum of Understanding between the City and PYD and MRP from 2010 and how it describes the special tax district requirements. We wanted to let you know the background and our thoughts on this agreement so that you are aware before this is raised at tonight's meeting on the land use approvals for the Potomac Yard Metrorail station.

This MOU was an agreement between PYD and MRP and the City regarding how their land use approvals were to proceed in 2010 given the fact that Potomac Yard North was moving forward and it was clear at that time that the location of the Metrorail Station was going to be moving further north than previous anticipated. The agreement addresses how the land use approvals were to be processed and what PYD and MRP were going to be expected to provide so that everyone's expectations were set, however the agreement is not binding on City Council.

In the provision of the agreement that describes the Special Tax District, there is a statement that the Special Tax District is to expire on July 1, 2016 if the bond for the metro is not issued by that time. The intent of this provision was to address the fact that the Tier I district was to start paying the tax in 2011 and PYD/MRP wanted to make sure that they were not going to have to keep paying the tax if it became clear that the metrorail project was stalled for a significant amount of time or not moving forward. The intent was that as long as the project is moving forward, the Tier I special tax district would be active. The Tier II special tax district doesn't start until the metro is built so this expiration could not have applied to Tier II.

Additionally, after the MOU was entered into, City Council approved the CDD Concept Plan Amendment for the South Potomac Yard CDD and included a condition that requires South Potomac Yard to participate in the Special Tax District (Condition #31 of CDD 2010-0001). City Council also adopted the Tier I Special Tax District Ordinance (3-2-189 of the City Code) and Tier II Special Tax District (3-2-190 of the City Code) and did not include any expiration date in the ordinance. Therefore, the legal documents governing South Potomac Yard do not have any expiration dates included.

While the statement that the Special Tax District is intended to expire if the bond is not issued by July 1 could be confusing, we think that the intent of the MOU is being met, and the legal status of the CDD conditions and ordinance govern in this case. We have discussed this verbally with the counsel for PYD and MRP and have confirmed that this is their understanding as well.

Please let us know if you have any questions.

Dear Honorable Mayor Silberberg and Council;

I am writing in support of the Potomac Yard Metro Station (PYMS) with the following observations.

While attending the May Park Commission meeting I observed the PYMS presentation. To my understanding the PYMS will not have motorized vehicular traffic. All users will either be pedestrians or cyclists.

I questioned why the bridge would intentionally mix pedestrians and bicycles without a "separation" design. Not to separate invites conflict and tension. With today's research, data, and design information I strongly urge council to advocate for a "safe" bridge design.

I understand WMATA does not want to "own" the bridge if access is allowed 24/7. I don't understand their viewpoint, as accessibility is an important feature. From a safety perspective, what happens if there was a [nearby] rail disaster and a barricaded bridge interfered with a safe exit from the area? A barricaded bridge is not safe. Disasters don't always occur during optimum response or escape hours. Can't WMATA cease elevator and escalator use when Metro is "not running?" Won't surveillance cameras be available?

When the Woodrow Wilson Bridge (WWB) trail opened, the night access ceased at 10 pm under "security" concerns. It didn't take long for trail monitors to realize the vital transit role the WWB trail offered to both pedestrians and cyclists and the decision to allow 24/7 access became policy. The opening of the WWB trail was a positive policy decision. The closure of the King St M tunnel connection Carlyle during weekend hours remains a bad policy decision for connectivity.

I have not seen a Capitol Bikeshare (CaBi) station mentioned in the plans. This has to be an oversight. A CaBi station here not only helps with the connectivity to the CaBi stations in Arlington (Crystal City), the increased use of bicycles and CaBi during the WMATA Metro Safety Surge proves the vital transit link bicycles provide. The Complete Streets program would be overlooked if a CaBi station was not part of the design.

Thank you for these considerations.

Respectfully,

Elizabeth Wright

## Gloria Sitton

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**From:** Rafael Lima via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Wednesday, June 15, 2016 12:26 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #99193: Mayor, Vice Mayor, City Council Honorable Mayor, Vice Mayor and Members

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 99193.

### Request Details:

- Name: Rafael Lima
- Approximate Address: No Address Specified
- Phone Number: 202-549-4536
- Email: cavazzonilima@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Honorable Mayor, Vice Mayor and Members of City Council,

We, concerned citizens living in Potomac Yard, reviewed the application prepared by the City of Alexandria Department of Project Implementation and the Washington Metropolitan Area Transit Authority, requesting the approval of a Master Plan Amendment, Map Amendment (rezoning), and Development Special Use Permit to construct a Metrorail station and associated facilities in Potomac Yard.

In anticipation of the City Council Public Hearing scheduled for this Thursday, June 16, 2016 concerning the approval of the above, we would like to indicate to you the following:

- 1) As currently conceived, the Tier II portion of the Special Tax District which affects exclusively residential properties in Potomac Yard needs to be repealed by City Council;
- 2) Also, there are certain aspects concerning the design and impact of the proposed station to Potomac Yard residents that require your immediate attention.

The attached letter provides a rationale and details regarding the above. We ask that you please consider it carefully as these are important issues to our community.

Thank you for your consideration.

Sincerely,

Rafael Lima, on behalf of the Potomac Yard Metro Committee and PYSTD.ORG

- Attachment: [PotomacYard.Letter to City Council.pdf](#)
- Expected Response Date: Wednesday, June 22

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## City Council Public Hearing – Potomac Yard Metro Station

Honorable Mayor and Members of the City Council,

In anticipation of the City Council Public Hearing scheduled for this Thursday, June 16, 2016 concerning the approval of a Master Plan Amendment, Rezoning and Development Special Use Permits related to the Potomac Yard Metrorail Station, I, on behalf of the Potomac Yard Special Tax District Committee for Tax Fairness, would like to bring to your attention some considerations related to the funding structure - particularly the Tier II portion of the Special Tax District ("STD")- as well as issues related to the design and impact of the proposed metro station in our community. These are issues that matter to me personally, but are also concerns shared by many in Potomac Yard.

Therefore, we ask you to consider the following points prior to deciding the matters before you:

- 1) As currently conceived, the Tier II portion of the Special Tax District which affects exclusively residential properties in Potomac Yard needs to be repealed by City Council.**

Metrorail has historically been paid for by all taxpayers (not just those who live by a station), or by the creation of a transportation district that includes only commercial properties pursuant to Va. Code 58.1-3221.3. For example, the Silver Line is being funded by a transportation district. However, the application submitted for your consideration (see pages 11 and 12 of the [Staff Report](#)) indicates that under the funding structure for the proposed Potomac Yard Metrorail Station, the bulk of the capital costs will be paid for using new Potomac Yard-generated tax revenues and developer contributions. It also indicates that two STDs have been established to generate revenue for the "Station Fund". The City has told us that these STDs are the only special tax districts in the City of Alexandria. One of them, the Tier II STD, would apply to single-family and condominium development in the lower part of Potomac Yard and is planned to assess 10 cents per \$100 of valuation with collections to begin in the calendar year after the station opens.

We believe the above STD is a significant problem for the implementation of this project, given that the Tier II portion of the STD was constructed on the basis of "arbitrary, discriminatory, or irrational" criteria, which is the test applied by Virginia Circuit Courts to decide whether to strike down decisions made by local assemblies in such matters when a STD is unconstitutional under the Virginia Constitution tax uniformity clause (see precedents [here](#)). Also, our community takes grave offense with the way the City Council approved the Tier II STD to target solely our community and, therefore, requests it be repealed immediately.

Before rejecting our arguments, please let us explain why we believe that is the case.

As thoroughly described in the [Potomac Yard Planning & Development Information](#) website, the City started discussing the redevelopment of the Potomac Yard site in 1987 and developed a [Potomac Yard/Potomac Greens Small Area Plan in 1992](#). Subsequently, the City developed a comprehensive development plan for a large portion of Potomac Yard in 1999. Next, the City considered a series of



Development Special Use Permits for each of the [Potomac Yard Landbays](#), thus establishing the legal framework under which land use aspects would be considered for the entire area.

The first Development Special Use Permits considered by City Council were related to Landbay A – Potomac Greens and were approved on May 17, 2003. The DSUP#2002-0026 related to Potomac Greens included a series of conditions related to the Future Metro Station and Pedestrian Bridge (see pages 120 and 121 of the "[Staff Report](#)"), including the following:

***“Special District Conditions:** If the City establishes a special service tax district for this area to raise funds to finance transit capital projects or transit operating programs and services which would serve, in part, Potomac Greens (such as, but not limited to, assisting in the financing of a new Metrorail station adjacent to Potomac Greens), in accordance with the TMP for Potomac Yard, all owners of property within this development, including fee-simple owners and the HOA shall be required to participate in the district. The developer shall include such requirement in the official disclosure statements to potential purchasers and attach it to the deed established for all properties. Language indicating that a special service district would entail an add-on real estate tax to the regular City real estate tax shall be included in these documents.”*

On May 28, 2010, the City Staff agreed with Potomac Yard Development, the developer of our neighborhood, to include the future residents of Potomac Yard in a STD that would fund the metro station, in exchange for Pulte not being required to pay other developer contributions to the City of Alexandria. The MOU signed between the City of Alexandria and the Potomac Yard Developers provides (see page 4 of 10, paragraph f in Exhibit A):

*“The special service tax district will end when the bond is repaid or, if the bond is not issued prior to July 1, 2016, the special tax district will end at that time.”*

Likewise, the [North Potomac Yard Small Area Plan](#) (see page 83), adopted by City Council on June 12, 2010, included an overview of financing for the Potomac Yard Metro Station as follows:

*“The City plans to enact special tax districts on Landbays F, G, H, I, and J as well as Potomac Greens that will help pay for a portion of the cost of the Metrorail station, and to issue general obligation or other types of municipal bonds for such construction, most likely backed by the full faith and credit of the City of Alexandria, or a similar pledge. Special tax districts could be implemented as early as 2011 to help finance pre-construction and environmental study costs. At this time the needed tax rate prior has not been determined. Two special tax districts are contemplated: one district for the higher density Landbays F, G, and H, and a second tax district for the lower density Landbays I and J and Potomac Greens. The exact boundaries in Landbay H, I, and J remain to be determined.”*

Therefore, Potomac Yard was planned for over 10 years under the assumption that all surrounding neighborhoods would be part of a STD to fund the future Potomac Yard Metrorail Station.

Despite the above conditions adopted by the City, in a Memorandum dated May 19, 2011 submitted by Bruce Johnson to the Mayor and Members of City Council (see page 1 of the [Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District](#)), the then Acting Manager surprisingly recommended that City Council introduce the ordinance establishing the Tier II Potomac Yard Metrorail Station Special Services District, without the inclusion of Potomac Greens.

At that time, the residents of Potomac Greens made the following key points as objections to their inclusion in the Tier II STD (see page 3 the [Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District](#)):

- *“Metrorail has historically been paid by all City taxpayers, not just those living close to a station.*
- *Potomac Greens residents were not here in 1999 to participate in the decision which contemplated a special tax district, nor was the tax district in place when they purchased their homes.*
- *Disclosure of the possibility of a tax district in homeowners' settlement documents was not widely known.*
- *Because Potomac Greens homes will eventually appreciate because of the adjacency of a Metrorail station, the average Potomac Green homeowner will pay approximately \$800 more per year already in City real estate taxes (assumes 10% appreciation due to adjacency to a Metrorail station). This will generate about \$0.2 million in revenue that will be directed to the Potomac Yard Metrorail Station fund.*
- *The adjacent Old Town Greens is not in the tax district.*
- *The recent two-cent increase in the City's real estate tax rate means that all City residents, including those in Potomac Greens, will be paying higher taxes for transportation purposes.”*

City staff also recognized that the exclusion of Potomac Greens would have a fiscal impact to the city and a funding source to close the \$0.2 million annual revenue gap would need to be identified (see page 4 of the [Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District](#)). Notwithstanding this fiscal impact, City Council authorized the creation of the Tier II Potomac Yard Metrorail Station Special Tax District by Ordinance No. 4722 on June 25, 2011, excluding Potomac Greens.

The above history is precisely why our community takes grave offense with the way the Tier II STD was approved by City Council. Our request for it to be repealed immediately is justified because the very reasons presented by the residents of Potomac Greens to justify their exclusion of the STD are equally applicable to the residents of Potomac Yard.

The fact that the proposed exclusion of Potomac Greens was inconsistent with the conditions of the Potomac Yard Coordinated Development Districts as well as the Potomac Greens Development Special Use Permit was also made clear to City Council at the time of such approval (see letter submitted by CPYR the owner of Potomac Yard Landbay F included as an annex to the [Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District](#)). City Council decided, nonetheless, to set a precedent and removed Potomac Greens from the Tier II portion of the STD despite the potential fiscal impact and consequences to the financing structure of the Potomac Yard Metrorail Station.

Therefore, City Council should extend to Potomac Yard residents the same treatment granted to Potomac Greens residents, as our right to equal and fair treatment by City Council, as citizens, should be more important than securing all possible funding for the Potomac Yard Metrorail station (a project that primarily benefits the City, not the residents of Potomac Yard). This was already requested to City Council in 2015, through a petition signed by 226 residents (see Exhibit B).

Below, we present a series of arguments to better illustrate how the reasons presented by Potomac Greens, which resulted in them being removed from the Tier II STD, apply equally to Potomac Yard:

- *“Metrorail has historically been paid by all City taxpayers, not just those living close to a station.”*

The above is entirely applicable to Potomac Yard residents as well. Given the selection of Alternative B, Potomac Yard is not even the closest community to the proposed metro station (it is considerably further away than Potomac Greens itself as illustrated in page 13 of the [Staff Recommendation for the Preferred Alternative](#)). In fact, recently City staff indicated to our Community that the transportation and economic benefit area of a Metrorail station for residential property is considered to be about 0.5 miles from a Metrorail station. A substantial portion of the residents of Potomac Yard included in the Tier II of the STD are beyond 0.5 miles from the site selected by City Council for the metro station.

Furthermore, the proposed station is being constructed as an economic development measure for the City, not to serve the residents of Potomac Yard. As stated by the Chairman of the Alexandria Chamber of Commerce in a letter of support for NVTA funding (see page 256 [here](#)):

*“Alexandria’s primary opportunity to realize economic development necessary to balance and grow our tax base lies within Potomac Yard. Redevelopment of Potomac Yard will create a vibrant mixed use community of residences, hotels and office, retail and open space -- all with significant economic benefit to the City. It will enable the City to compete for existing and future federal and other large commercial users. Their presence in Alexandria will help rebalance our tax base. The Potomac Yard and Potomac Yard North Coordinated Development District plans contemplate and depend upon Metro service. Constructing a new Metro station at Potomac Yard, is critical to successful redevelopment.”*

Also, the [Staff Recommendation for the Preferred Alternative](#) provides (see p. 14):

*“Projections show that a Metrorail station at Alternative B will result in approximately \$1.5 billion in net revenue to the City over forty years. By the end of that period, the development in Potomac Yard will be producing approximately \$98 million of revenue every year beyond what is needed to pay for the station and City services for the residents and businesses in Potomac Yard (see Figure 4, Alternative B Cash Flow). This means that the redevelopment of Potomac Yard will be producing \$98 million every year that can be used to pay for services and amenities throughout the City.”*

- *“Potomac Greens residents were not here in 1999 to participate in the decision which contemplated a special tax district, nor was the tax district in place when they purchased their homes.”*

Potomac Yard residents were not here in 1999 to participate in the decision either, when the City contemplated a STD. Further, the existence of a STD at the moment of purchase bears no relationship with whether such community will benefit or not from such development. Therefore, the policy basis rationale presented by City Staff for drawing a distinction between Potomac Yard and Potomac Greens residents relative to tier II STD is simply flawed. No special tax will be levied until the station is actually constructed and operational. Therefore, both Potomac Yard and Potomac Greens residents are on equal footing as to the applicability of the tax relative to the timing of purchase of their homes.

- *“Disclosure of the possibility of a tax district in homeowners' settlement documents was not widely known.”*

As discussed above, the DSUP#2002-0026 related to Potomac Greens included a series of conditions related to the Future Metro Station and Pedestrian Bridge (see pages 120 and 121 of the [“Staff Report”](#)). As established by the City, Potomac Greens developers were required to disclose the possibility of a STD to all Potomac Greens buyers.

Likewise, Potomac Yard residents were not clearly aware of the existence of said tax district at the moment of purchase. The sales agreement for the homes in Potomac Yard merely indicated the following, on page 54: *“In accordance with the Transportation Management Plan (TMP) for Potomac Yard; if the City establishes a special taxing district for this area to raise funds to finance transit capital projects or transit operating programs and services which would serve, in part, partial Landbay J/partial Landbay I, all owners of property within Potomac Yard, including fee-simple owners, condominium owners and the Homeowners' Association, shall be required to participate in the district.”* The language included alludes to a possibility, not a fact. It also does not indicate the amount of the tax, or that only our small group of residences within the City would be subject to such additional special tax - rather than all residences within Alexandria or all residences equidistant to the metro station. Further, the deeds for Potomac Yard residents do not mention the special tax district.

- *“Because Potomac Greens homes will eventually appreciate because of the adjacency of a Metrorail station, the average Potomac Green homeowner will pay approximately \$800 more per year already in City real estate taxes (assumes 10% appreciation due to adjacency to a Metrorail station). This will generate about \$0.2 million in revenue that will be directed to the Potomac Yard Metrorail Station fund.”*

This statement is applicable to Potomac Yard as well. In fact, the applicability of the STD to only the residences located in Potomac Yard may cause the value of Potomac Greens

homes to artificially appreciate. Conversely, Potomac Yard homes will artificially depreciate in relative terms, causing market distortions and undermining the very purpose of the STD.

- *“The adjacent Old Town Greens is not in the tax district.”*

This statement is even more relevant to Potomac Yard than it was to Potomac Greens, as the adjacent Potomac Greens and Oakville Triangle, as well as parts of Del Ray, are much closer to the proposed station than Potomac Yard but are not included in the STD (as illustrated in page 13 of the [Staff Recommendation for the Preferred Alternative](#)). Old Town Greens also continues to be excluded.

- *The recent two-cent increase in the City's real estate tax rate means that all City residents, including those in Potomac Greens, will be paying higher taxes for transportation purposes.*

Much like the case of Potomac Greens, this statement is entirely applicable to Potomac Yard residents. Further, we do not understand why the City cannot use the transportation funds generated from this tax increase, to remove our neighborhood from the STD, or why the City cannot increase the City's real estate tax rate by the estimated 1/10 of one cent that was calculated to be necessary to remove Potomac Yard from the STD.

Regarding the City's differential treatment of Potomac Greens and Potomac Yard residences in relation to [fiscal impacts](#), please note that in a Memorandum dated May 15, 2015, submitted by Mark Jinks to the Mayor and Members of City Council (see attachments to [Memorandum With Additional Information on The Potomac Yard Tier II Special Tax District](#)), the City Manager indicated that the Tier II revenues provide about 5% of the funding for the station, and estimated roughly that eliminating the Tier II from the STD would have a potential fiscal impact to the city of about a \$0.5 million annual revenue gap which would need to be eventually funded by an alternative source. However, more recently when Potomac Yard residences objected to being included in the STD, the City Manager pointed to certain downside risks to the City of removing Potomac Yard from the STD, stating that the City cannot assume with certainty until the construction contract is ready to be awarded that these revenues would not be needed for this project. Also, City staff and members of City Council recently told us they are unwilling to remove Potomac Yard from the STD at this time, despite their removal of Potomac Greens from the STD in 2011, and despite several Councilmembers' campaign statements (made in 2015) that they would be working with City Staff on a revised financial plan and would support an alternative funding source to the Tier II STD to exclude residential properties (see details [here](#)).

Further, we recently found out that since 2010, the City has been using 40% of the property taxes of Potomac Yard residences to pay for the metro project and plans to continue doing so, while also planning to impose the burdensome STD on our residences for 30 years to pay for the Potomac Yard Metrorail Station (see page 5-3, lines 73-81 of the “Project Costs and Funding” section of the [Potomac Yard Metrorail Station Final EIS](#)).

Therefore, our community believes that City Council (advised by City Staff) is applying an “arbitrary, discriminatory, or irrational” basis to give to Potomac Yard a different treatment than the one applied to

Potomac Greens in the same matter. While City Council allowed Potomac Greens to be excluded from the Tier II STD despite a potential fiscal impact, the City Council is telling Potomac Yard residents they have to wait until the funding structure of the project is defined to know if they will be exempted or not from paying such special taxes. Therefore, the current state of the Tier II STD is unacceptable for obvious reasons of uniformity and fairness.

If the above was not sufficient by itself to repeal the STD as currently constructed, please note that the bond related to the Potomac Yard Metrorail Station has not been issued by the City and will not be issued prior to July 1, 2016; thus, according to the MOU signed between the City of Alexandria and the Potomac Yard Developers (see page 4 of 10, paragraph f in Exhibit A for details), the STD for Potomac Yard should end immediately.

Therefore, we ask City Council to explain to our community the following:

- (i) Will the City Council repeal the Tier II Special Tax District immediately for the reasons indicated above?
- (ii) If not, how do you justify the difference in treatment given by City Council to two neighborhoods with similar socio-economic backgrounds and planned under the same Coordinated Development Districts with respect to a special tax district?
- (iii) When will our community see a detailed series of costed-out alternatives for Council consideration, including changes to revenue sources and a consideration of options to address the unfairness of the Tier II special tax district, as expressly ordered by City Council on May 20, 2015 during the consideration of a resolution to adopt a locally preferred alternative for the Potomac Yard Metrorail Station? See the Meeting Minutes of the City Council Special Meeting of May 20, 2015 [here](#). We have only been provided with the May 15, 2015 [Memorandum With Additional Information on The Potomac Yard Tier II Special Tax District](#), which was submitted to the City Council before the City Council ordered a more detailed consideration of options.

**2) The City Council also needs to consider certain aspects concerning the design and impact of the proposed station to Potomac Yard residents.**

While recognizing there has been some progress on some of these issues as of late, we would like to bring to your attention that the [Staff Report](#) does not fully reflect our community's substantive previous engagement with City Staff in matters of design and impact. Specifically, we have the following concerns:

- Costs. We would like to understand how cost factors were considered and can be reduced, as part of the design process of the station. Despite the reasons presented by Commissioner Koenig as part of the Planning Commission Actions taken on June 7, 2016, we are concerned with how the choice of materials/forms selected by City Staff will adversely affect the overall price of the project. We were told that based on research, design and choice of materials can

increase the overall project price by 8-12% in similar infrastructure projects. As indicated above, the Tier II portion of the STD corresponds to only 5% of the funding for the station. Therefore, a consideration of how station design costs can be reduced is relevant for our community, given the magnitude of the Special Tax District planned to be imposed on us.

- Ramps. We would like to discuss alternatives to the planned access ramp, as the solution of one ramp between both communities that is accessible only at WMATA hours directly contradicts a previous decision made by City Council. The DSUP#2002-0026 related to Potomac Greens included a series of conditions related to the Future Metro Station and Pedestrian Bridge (see item 3 in pages 120 of the "[Staff Report](#)"). Also, we would like to see alternatives to the proposed bike ramps on the West side of the tracks, as the City is projecting the ramps towards the north of the development, despite the fact that the dedicated bike lanes along Potomac Yard Park run towards the south.
- Impact. We would like to see specific consideration of the following requests made by our community:
  - Present a plan to mitigate construction traffic impact along Jefferson Davis Highway/Route 1 and traffic inflow into our community,
  - Either pursue the option to use the metrobus lanes for construction traffic and obtain an exception to do so from the relevant federal agency, or plan to conduct inspections pre-and-post construction on the houses located along Jefferson Davis Highway/Route 1.
  - Install traffic calming measures along Potomac Avenue, in addition to the high visibility cross-walk currently planned for the playground located in Potomac Yard Park.
  - Develop a comprehensive parking solution to Potomac Yard immediately, considering the periods of construction and operation of the metrorail station. In doing so, consider the creation of parking districts and installing private parking lots near the North Pavilion.
  - Plan to add a Kiss and Ride near the North Pavilion, possibly on the west side of Potomac Avenue or alternatively plan for concrete mitigating actions to prevent kiss and ride behavior along Potomac Avenue.
- Community engagement. Review the section "V. Community" of the Staff Report to recognize that the City's consultation so far was heavily focused in Potomac Greens and that the City needs to solve pending issues with our community, particularly regarding the STD.

Therefore, we urge City Council to take these points into consideration and request that City Staff make changes to address these concerns prior to approving the applications and special use permits requested.

Sincerely,

Rafael Lima, on behalf of the Potomac Yard Special Tax District Committee for Tax Fairness



## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is entered into this \_\_\_\_ day of May, 2010, by and between the City of Alexandria, a municipal corporation of the Commonwealth of Virginia (the "City"), Potomac Yard Development, LLC, a Delaware limited liability company ("PYD"), and RP MRP Potomac Yard, LLC, a Delaware limited liability company ("MRP"), collectively referred to as the "Parties."

### **RECITALS:**

1. PYD and MRP are owners of the real property located in the City of Alexandria, Virginia, containing approximately 116.56 acres of land and 13.28 acres of land, respectively, and known collectively as "Potomac Yard", and thereby have the existing rights and obligations as applicants, under the zoning and land use approvals reflected in the CDD Coordinated Development District 99-001 and associated zoning approvals, as amended.
2. The North Potomac Yard Small Area Plan proposes to increase the density within Landbay F from 600,000 SF to approximately 7,500,000 SF.
3. The City is evaluating the relocation of the Metrorail station north of the existing reservation.
4. The City desires to obtain easements from PYD necessary to construct and operate a Metrorail station north of the existing reservation.
5. The City desires to create special service tax districts including PYD and MRP's property to fund the Metrorail station.
6. PYD and MRP desire to obtain timely approval of amendments to CDD 99-001, as amended through CDD 2008-0004, and certain associated approvals including the Alternative Concept Plan, the Potomac Yard Urban Design Guidelines, the Potomac Yard/Potomac Greens Small Area Plan, DSUP 2008-0027, 0028 and 0029, DSUP 2006-0013 and City Code section 5-6-25.1 (herein collectively referred to as the "Amendments").
7. PYD and MRP desire to obtain confirmation from the City that they will not be subject to any "developer contribution" associated with the funding of a Metrorail Station.
8. PYD desires to obtain timely approval of new DSUPs with preliminary site plans for the townhouse/urban loft portions of Landbay I, J, and L development permitted by the Amendments and to commence construction of the development in 2013.

9. MRP desires to obtain timely approval of an amendment to DSUP 2007-0022, to reflect the Amendments and to commence construction of Phase I in 2011.
10. The Parties agree that timely approval and construction of the mixed use development and a Metrorail Station in Potomac Yard will be mutually beneficial.
11. The Parties have agreed to the terms of this Memorandum of Understanding to memorialize, define, and acknowledge the expectations and agreements of the Parties with respect to the matters contained herein.
12. Nothing in this document is intended to, or can, affect the authority or discretion of the Planning Commission or City Council in reviewing or approving applications submitted or required to be submitted by the Parties pursuant to the Zoning Ordinance, City Code, and/or State Code.
13. This Memorandum of Understanding shall supersede any prior draft documents prepared and discussed by the Parties during the negotiation of this Memorandum of Understanding.
14. The Parties agree to cooperate and coordinate with each other to establish a timely, orderly, and defined review and approval process in order to implement the agreements contained herein.
15. The Parties agree that the Amendments and DSUP Applications set forth below are subject to a public process with review by PYDAC, staff, the Planning Commission and City Council, and that modifications to the Amendments and associated DSUP Applications may be necessary due to new information that was not known during the negotiation of this Memorandum of Understanding. The Parties further agree that to the extent that such modifications materially alter the agreements set forth herein, the Memorandum of Understanding shall be amended to adjust for such change(s) in circumstance.

**AGREEMENTS:**

The Parties, each pursuant to due and proper authority, agree to the following points, which shall govern the Parties' actions with respect to the matters contained herein:

**A. Special Service Tax District**

1. PYD and MRP agree to participate in a special service tax district to contribute towards the cost of the environmental studies, planning, design, construction of public infrastructure and debt service associated with the proposed Potomac Yard Metrorail Station, should such a tax district be imposed by City Council.
2. In recognition of the significant developer contributions previously made and to be made for major infrastructure improvements, PYD and MRP will not be subject to any "developer contribution" associated with the funding of a Metrorail station.
3. The City intends to create two special service tax districts (Tier I and Tier II) effective as of January 1, 2011 with tax rates to be set in accordance with the City budget cycle, to fund a Metrorail station in Potomac Yard. The Parties agree that Landbays G, H, I, and J will be part of the special service tax districts subject to the following:
  - a. The special service tax districts are planned to be created prior to the end of 2010, which should be after the approval of the CDD Amendments listed below:
  - b. While state law requires a special service district to be created prior to the calendar year in which the levy first occurs, the actual rate setting will occur simultaneous to the normal City budget and tax rate setting schedules. These special taxes will be billed and due as part of the regular real estate tax billing and payment process (June and November of each year).
  - c. Landbay L will not be part of any special service tax district;
  - d. The non-multifamily (i.e. townhouse and urban loft) portion of Landbay I and all of Landbay J will be included in the Tier II special service tax district and taxed at the same rate as Landbay A. The Tier II tax levy will not start until the Metrorail station opens (2016 is the current projection). The Tier II district will be taxed at a lower rate (currently contemplated at 10-cents per \$100 of assessed value) than the Tier I district.
  - e. Landbays G, H, and the multi-family portion of I will be included in the Tier I special service tax district, and taxed at the same rate as Landbay F. The Tier I tax levy will start no sooner than 2011 in order to help fund station pre-development costs. The Tier I district will be taxed at no more than 20-cents per \$100 of assessed value.

- f. The special service tax district will end when the bond is repaid or, if the bond is not issued prior to July 1, 2016, the special service tax district will end at that time.

**B. The Amendments**

PYD and MRP agree to file, and the City agrees to process, the Amendments required to achieve the following, in good faith conformance with the schedule attached as Exhibit A:

1. Reallocate the uses and densities within Potomac Yard in general conformance with the Potomac Yard Concept Plan dated May 19, 2010 and attached as Exhibit B.
2. Reconfigure the retail uses in Landbay G to emphasize the primary retail focus on Glebe Road and retail connections to Landbay F in Block A.
3. Increase the density in Landbay G, Block F to accommodate office use or residential units in a five story building on Block F in general conformance with the Potomac Yard Concept Plan dated May 19, 2010 and attached as Exhibit B.
4. Permit flexibility in retail uses in Landbays G, H, I, J, and L.
5. Permit reduced parking ratios in Landbays G, H, I, and J when the WMATA Board issues a Design/Build RFP for the construction of a Metrorail station.
6. Permit above grade parking for each multifamily and office building and block subject to the following:
  - each multifamily or office building and block shall provide a minimum of one level of underground parking;
  - above-grade structured parking may be located within the central portion of the block at grade, provided that a minimum of one level of parking is provided below grade and each level of the entire street and/or park/open space frontage is devoted to active uses (residential, office and/or retail);
  - If above-grade structured parking is provided above the ground floor uses, the parking is required to be screened with active uses (residential, office and/or retail) for the entire street and/or park/open space frontage;
  - This shall not impact the approved parking in Landbay G, Block D.

7. Allow interim surface parking to be provided in Landbay G, Blocks A, B, D, E and /or G.
8. Provide for the construction of the Mainline Boulevard and other associated improvements such as street lights, curbing, etc. to enable the connection within Landbay G to occur with the first phase of construction but starting no later than December 31, 2011 provided that the Mainline Boulevard connection along the western face of Block D within Landbay-F-North Potomac Yard has been constructed by others. Temporary asphalt sidewalks will be provided along the Mainline Boulevard connection within Landbay-G, with permanent sidewalks and streetscape to be constructed concurrently with the buildings on Block D and Block G.
9. Permit a cash contribution in lieu of construction of a pedestrian bridge. The cash contribution will be utilized by the City toward the design, permitting, and other soft and hard costs associated with construction of a Metrorail station at Potomac Yard. The contribution will be made as follows:
  - i. \$500,000 within 30 days of final unappealable approval of the Amendments that achieve the principles outlined herein.
  - ii. \$500,000 to the City within 30 days of final unappealable approval of a DSUP with preliminary site plan for the remaining townhouse/urban loft parcels in Landbay I and J in conformance with the Potomac Yard Concept Plan dated April 14, 2010, that achieves the principles outlined herein.
  - iii. \$500,000 to the City within 30 days of final unappealable approval of a DSUP with preliminary site plan for the townhouse/urban loft parcels in Landbay L in conformance with the Potomac Yard Concept Plan dated May 19, 2010, that achieves the principles outlined herein.
  - iv. Notwithstanding provisions ii and iii above regarding the timing of payments, the \$1 million set forth therein shall be paid to the City no later than December 31, 2013.
  - v. \$500,000 within 30 days of the bond being issued for funding of the Metrorail station. If the bond is not issued for a Metrorail station, no additional contribution will be made.
10. Permit design and additional parking flexibility to accommodate GSA tenants in Landbay H/partial I in conformance with the Potomac Yard Concept Plan dated May 19, 2010, with the understanding that mutually agreeable design parameters for GSA tenants will be developed as part of the Amendments process.

11. Increase the height on Landbay H between Mainline Boulevard and Route 1 from a 65' maximum up to a 100' maximum and increase the height in Landbays I/J from a 55' maximum up to a 75' maximum, with appropriate transitions to adjacent uses.
12. Remove the responsibility for construction of the "North Trail" and any other Landbay K enhancements adjacent to Landbay F beyond the northern stormwater management pond (the "Improvements"). PYD will dedicate the portion of Landbay K beyond the northern stormwater management pond to the City and make a cash contribution of \$300,000 in lieu of the Improvements prior to issuance of a building permit for the 100<sup>th</sup> residential unit associated with DSUP 2006-0018 (Landbay I/J East).
13. Reflect two phases within Landbay K, based on the removal of the Improvements from the Landbay K Plan. Remove all references to the Improvements and pedestrian bridge from the Landbay K Plan.
14. Revise City Code Section 5-6-25.1 (c) to extend the time frame for sanitary sewer connection applications at the reduced rate set forth therein from "within 15 years" to the date of issuance of the first building permit subsequent to April 1, 2002 to "within 22 years."
15. In the event that the east/west road in Landbay F is installed prior to the construction of Block A, MRP will construct a "T" intersection on its portion of the east/west road where it meets Potomac Avenue.

**C. DSUP Applications**

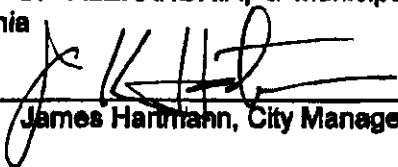
1. PYD agrees to file DSUP with preliminary site plan applications for the townhouse/urban loft portion of Landbay I, J, and L, in conformance with the Amendments, no later than September 1, 2010.
2. MRP agrees to file an amendment to DSUP 2007-0022, in conformance with the Amendments, no later than September 1, 2010.
3. The City agrees to process and docket the DSUP applications set forth in 1 and 2 above, as soon as possible, but no later than April 2011.

**D. Metro Easements**

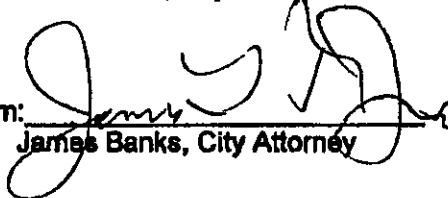
1. PYD will grant permission to the City, WMATA, the National Park Service, and their respective consultants to access PYD's property to perform work associated with the process for determining the Metrorail station location, subject to the appropriate insurance requirements being in place.
2. PYD intends to grant the necessary easements to the City, including two crossings of the railroad tracks, for construction and operation of a Metrorail station once the final location and design of the station has been approved, but not before unappealable approval of the Amendments and the DSUP with preliminary site plans for the townhouse/urban loft portions of Landbay I, J, and L.

This Memorandum of Understanding is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF ALEXANDRIA, a municipal corporation of Virginia

By:  \_\_\_\_\_  
James Hartmann, City Manager

Attest:  \_\_\_\_\_  
Jacqueline M. Henderson, City Clerk

Approved as to form:  \_\_\_\_\_  
James Banks, City Attorney



**POTOMAC YARD DEVELOPMENT, LLC,**  
a Delaware limited liability company

By: Potomac Yard Development Sole  
Member LLC,  
a Delaware Limited Liability Company  
Its sole member

By: Centex Homes, A Nevada general  
partnership, Member

By: Centex Real Estate Corporation, a  
Nevada corporation, Its Managing  
General Partner

By: 

Name: Lewis Birbaum

Title: Div. President

**PULTE HOME CORPORATION, a Michigan**  
corporation, Member

By: 

Name: Lewis Birbaum

Title: Div. President

**RP MRP POTOMAC YARD LLC, a Delaware limited liability company**

By:  \_\_\_\_\_

Name: FREDERICK W. BETHSIE

Title: AUTHORIZED SIGNER

**MOU/AMENDMENTS SCHEDULE  
MAY – DECEMBER, 2010**

**MAY**

5/5 Meeting regarding Amendments/MOU

5/12 Meeting regarding Amendments/MOU

5/19 Finalize MOU

5/28 File Amendments

**JUNE**

6/9 PYDAC Meeting #1 regarding Amendments

**JULY**

7/7 PYDAC Meeting #2 regarding Amendments

**August**

8/18 PYDAC Meeting #3 regarding Amendments

**September**

9/8 PYDAC Meeting #4 regarding Amendments

9/9 PC Worksession regarding Amendments

9/14 CC Worksession regarding Amendments & Special Service Tax District

**October**

10/5 PC public hearing regarding Amendments

10/16 CC public hearing regarding Amendments

**November**

11/9 CC legislative meeting: Special Service Tax District Ordinance  
(Introduction & 1<sup>st</sup> reading)

11/13 CC public hearing regarding Special Service Tax District Ordinance (2<sup>nd</sup>  
reading and public hearing. Defer adoption to 11/23)

11/16 Amendment appeal period ends

11/23 CC Legislative Meeting: Adopt Special Service Tax District Ordinance

**Schedule if Amendments get deferred in October**

**11/4 PC public hearing regarding Amendments**

**11/13 CC public hearing regarding Amendments**

**12/13 Amendment appeal period ends**

**12/18 CC public hearing, 2<sup>nd</sup> reading and adoption of Special Service Tax  
District Ordinance**

**To: The Honorable Mayor and City Council**

**From: Potomac Yard Residents**

**RE: Potomac Yard Metro Project - Special Tax District Boundaries**

WHEREAS, the Alexandria City Council has established two special tax districts (Tier I and Tier II) to help finance the redevelopment of the Potomac Yard Area.

WHEREAS, the "Tier I Special Services District," which City Council approved in December of 2010, encompasses North Potomac Yard (Landbay F) as well as Landbays G, H and the multi-family portion of Landbay I.

WHEREAS, beginning in calendar year 2011, Tier I properties are assessed a tax of \$0.20 per \$100 in assessed value in addition to the City's base real estate tax rate (for a tax rate of \$1.238 per \$100 in calendar year 2013).

WHEREAS, the "Tier II Special Services District" encompasses all of Landbay I not in the Tier I District and all of Landbay J, generally including southern part of Potomac Yard and not including the development sites south of the Monroe Avenue Bridge and Potomac Greens.

WHEREAS, beginning in calendar year 2016, Tier II properties will be assessed a tax of \$0.10 per \$100 in assessed value in addition to the City's base real estate tax rate.

WHEREAS, previous documents considered by the City Council indicate that the Tier II Special Services District initially encompassed a broader area including at least Potomac Greens as confirmed by the statement from the City of Alexandria dated March 4, 2014; a decision which was later reverted as indicated in the memorandum from the Acting City Manager dated May 19, 2011.

WHEREAS, Potomac Yard Residents believe that some residential areas of Potomac Yard (namely Landbay I not in the Tier I District and all of Landbay J) were only included in the Tier II portion of the Special Services District due to the fact that residents could not be represented in the deliberation process at the time and, as a result, the tax burden was passed along to such community.

NOW, THEREFORE, WE, the concerned residents of Potomac Yard, INDICATE that while we are strongly in favor of the Potomac Yard Metro project and will not seek to deliberately delay it in any way, WE AIM at bringing forth an equitable status for the residents of Potomac Yard who currently find themselves alone in the Tier II "special tax district" that would otherwise normally be defined by some logical geographic boundary, such as "within a 0.5 mile radius" or some other equitable and democratic zoning.

IT IS HEREBY REQUESTED that, either through the act of the Mayor or the Members of the City Council, a review of this matter is requested, deliberated, voted and, as a result, a decision is made to adopt one of the options outlined below:

1. REDEFINE the "Tier II Special Services District" to include all the neighborhoods within walking distance (or some specific radius) of the Metro station, as they will all share equally in

the benefits, considering a proportional reduction in the assessed tax of \$0.10 per \$100 in assessed value; or

2. REMOVE the residential areas of Potomac Yard included in the "Tier II Special Services District" as you did previously for neighboring communities, particularly Old Town Greens and Potomac Greens, therefore recognizing that the amount of funds to be raised by the levying of the special Potomac Yard tax is negligible compared to the scope of project funding, yet is a substantial and disproportionate burden on each of the families of Potomac Yard.

Respectfully,

**The following residents of Potomac Yard**

1. Robert Giroux, 2103 Jefferson Davis Hwy *ROB*
2. Cindy Xu, 2103 Jefferson Davis Hwy
3. etc... MARTHA CUSAK, 2212 POTOMAC AVE 101
4. etc... AUSTIN CUSAK 2212 POTOMAC AVE 101
5. Veronica B. Orem 2316 Potomac Ave., Alexandria
6. Nicholas & Melissa Kohn, 2206 Potomac Ave Unit 102, Alexandria
7. MICHAEL AND CATHY SALVATO; 2005 MAIN LINE BLVD, ALEXANDRIA
8. Nishil and Meera Patel; 700 E. Howell Ave., Alexandria, VA 22301
9. THEODORE L. GOEBEL JR 621 E. CUSTIS AVE ALEXANDRIA 22301
10. Scott Phillips 2306 Potomac Ave #102 Alexandria VA 22301
11. Daniel Chong 716 DIAMOND AVE ALEXANDRIA VA 22301
12. Diane M. Hampel, 734 E Howell Ave, Alexandria, VA 22301
13. RAFAEL C. LIMA, 717 DIAMOND AVE, ALEXANDRIA, VA, 22304.
14. M.T. Faulken, 722 E. CUSTIS AVE, ALEX 22301
15. RICHARD LAFACE 610 E HOWELL ALEXANDRIA, VA 22301
16. Cindy Xu 2103 Jefferson Davis Hwy. Alexandria VA 22301
17. ROB MERENYI 727 Annie Rose Dr. Alex. VA 22301
18. Bill Hampel 734 E. Howell Ave, Alex VA 22301
19. Vickie Lessa 622 E. Custis Ave, Alex VA 22301

22.	Randy Scott Tripp	2003 Jefferson Davis Hwy #101, Alexandria VA, 22301
23.	Dung Nguyen	2003 Jefferson Davis Hwy #101, Alexandria VA, 22301
24.	Daniel Raphael	2005 Jefferson Davis Hwy #102 Alexandria VA 22301
25.	Rachel Raphael	2005 Jefferson Davis Hwy #102 Alexandria VA 22301
26.	Shikha Gankhi	2111 Jefferson Davis Hwy #101 Alexandria VA 22301
27.	KURTIS JOHNSON	2013 JEFFERSON DAVIS HWY #102 Alexandria VA 22301
28.	CHRISTA KEESER	2013 JEFFERSON DAVIS HWY #102 Alexandria VA 22301
29.	Neel Pahlajani	2015 Jefferson Davis Hwy #102 Alexandria VA 22301
30.	Karita Mainkar-Pahlajani	2015 Jefferson Davis Hwy #102 Alexandria VA 22301
31.	Keith Salmon	2011 Jefferson Davis Hwy #102 Alexandria VA 22301
32.	Sean T. H. V.	2115 Jefferson Davis Hwy #102 Alexandria VA 22301
33.	Andrea Tuttle	2115 Jefferson Davis Hwy #102 Alexandria VA 22301
34.	Mackenzie Smith	617 E Custis Ave Alexandria VA 22301
35.	Sarah W. Liu	619 E. Custis Ave Alexandria VA 22301
36.	Cheng Y. Lio	619 E. Custis Ave Alexandria VA 22301
37.	Evelyn Chou Alex Cheng	2016 Main Line Blvd Alexandria, VA 22301
38.	Alex Cheng	2016 MAIN LINE BLVD ALEXANDRIA VA 22301
39.	Mark Bury	2000 Main Line Blvd #102, Alexandria VA 22301
40.	CHRIS HYDE	2015 RT 1 #101 Alex VA 22301
41.	Jenny Hyde	2015 RT. 1 #101 Alex VA 22301
42.	Kevin Park	624 E Howell Ave Alex 22301
43.	Erin Park	624 " " " "
44.	MARC NESTER	2011 JEFFERSON DAVIS HWY #102 Alexandria 22301
45.	RYAN NESTER	2011 JEFFERSON DAVIS HWY #102, ALEXANDRIA VA 22301
46.	Lars Nester	2009 Jefferson Davis #102 22301
47.	SARAH HANSEN	2019 " " #102
48.	Leon Cann	620 E Howell #107 Alexandria VA 22301
49.	Debbie Cann	620 E Howell #102 Alexandria VA 22301
50.	Michelle Nguyen	2117 Jefferson Davis Hwy #101 Alexandria VA 22301

51.	Vincent Nansen	2117 JEFFERSON DAVIS HWY #101 ALEXANDRIA, VA 22301
52.	Michael Byrd	2107 Main Line
53.	ANGELA Byrd	BLVD #101
54.	Tanya Culbert	2107 Jefferson Davis #101
55.	Victoria Lessa	2109 Jefferson Davis Hwy Unit 101
56.	Alan Merchant	712 E. COSTIS AVE.
57.	E. Jaine A Merchant	712 E. Costis Ave.
58.	Michael Ambrushkin	783 Annie Rose Ave.
59.	Dorothy Youakim	723 Queen Rose Ave.
60.	James M. McNett	2113 Main Line Blvd Alex
61.	Edith	714 DIAMOND AVE.
62.	Neh. Johnson	714 DIAMOND AVE.
63.	Margaret Macklin	2211 Main Line Blvd. #102
64.	Donna	2211 Main Line Blvd. #102
65.	Bryan Plunicki	702 Diamond Ave
66.	Tracey Orrin	700 Diamond Ave
67.	Dawn Sun	700 Diamond Ave.
68.	Yutkin	2007 Jefferson Davis Hwy #102
69.	Summer Aick	2607 Jefferson Davis Hwy. #102
70.	Juan P. Bonilla	727 Diamond Av.
71.	Helen Meigwich	727 Diamond Av
72.	Dr. June	2113 Jeff Davis Hwy #102
73.	June	2113 Jeff Davis Hwy #102
74.	Nancy Klotz	700 E. COSTIS AVE
75.		717 Diamond Ave
76.	Kathi Mamiscalco	717 McKenzie Ave
77.	Joe Mamiscalco	717 McKenzie Ave
78.	Matthew J Majkent	2208 Potomac Ave Unit 101
79.	Dawn Majkent	2208 Potomac Ave #101



80.	Cheng-yi Liu		619 E Custis
81.	DARAZI CAZU		2207 MAIN LINE BLVD UNIT 102
82.	Julia Peyton		2210 Main Line Blvd
83.	Dona LeMa		2210 Main Line Blvd
84.	Todd Nelson		2216 Main Line Blvd
85.	Rodney Mond		2300 Main Line Blvd
86.	Michelle Fuh	Rob Sanders	2300 Main Line Blvd
87.	Victor Gortely		2304 Main Line Blvd
88.	Michelle Cosby	Michelle Cosby	2308 Main Line Blvd
89.	Camero Cosby	Camero Cosby	2308 Main Line Blvd
90.	Chris Hutchison		2311 Main Line Blvd
91.	Elena Hutchison		2311 Main Line Blvd
92.	Greg Quast		2305 Main Line Blvd
93.	Elizabeth Pomeroy	Elizabeth Pomeroy	2305 Main Line Blvd
94.	Stephanie Bilimoria		2303 Main Line Blvd #101
95.	Neil Belen	Neil Bilimoria	2303 Main Line Blvd #101
96.	BOWAL	Brian WALSH	2205 MAIN LINE BLVD.
97.	Denise Aviat		2253 Main Line Blvd
98.	Jasen Williams		2203 Main Line Blvd
99.	Jeffrey Needles		2115 MAIN LINE BLVD
100.	Sara Needles		2115 MAIN LINE BLVD
101.	Melissa Patel	Melissa Patel	2111 Main Line Blvd
102.	Janish Patel	Janish Patel	2111 Main Line Blvd
103.	Erick King		2109 Main Line Blvd
104.	Natasha King	Natasha	2109 Main Line Blvd
105.	Ahmad Tshay		2105 Main Line Blvd #102
106.	Corinna Sigsbury		2103 Main Line Blvd #101
107.	Steven Sigsbury		2103 Main Line Blvd #101
108.	Homa Pajomand		2009 main line BLVD #101

109.	Darrell C. Smith	<i>[Signature]</i>	2304 Potomac Ave, Unit #102
110.	Jiyong Smith	<i>[Signature]</i>	2304 Potomac Ave, Unit #102
111.	Estere Mede	<i>[Signature]</i>	2317 Jefferson Davis #102
112.	Asha Mede	<i>[Signature]</i>	2317 Jefferson Davis #102
113.	Thad Cox	<i>[Signature]</i>	2313 Jefferson Davis #102
114.	Katherine Cox	<i>[Signature]</i>	2313 Jefferson Davis #102
115.	Jennifer Adams	<i>[Signature]</i>	2309 Jefferson Davis #102
116.	Jemin Dadania	<i>[Signature]</i>	2307 Jefferson Davis #102
117.	Karita Nar	<i>[Signature]</i>	2307 Jefferson Davis #102
118.	Scott Welch	<i>[Signature]</i>	2215 Jefferson Davis #101
119.	ANN WELCHER	<i>[Signature]</i>	2215 JEFFERSON DAVIS #101
120.	Leo Weikert	<i>[Signature]</i>	2215 Jefferson Davis #102
121.	Jyoti Patel	<i>[Signature]</i>	2207 Jefferson Davis #102
122.	Lawrence Norton	<i>[Signature]</i>	2205 Jefferson Davis #102
123.	Ian Prior	<i>[Signature]</i>	2117 Jefferson Davis #102
124.	Doug Domonech	<i>[Signature]</i>	2115 Jefferson Davis #101
125.	NIKOLAS EICHMAN	<i>[Signature]</i>	2017 JEFF DAVIS HWY
126.	Chris McDonald	<i>[Signature]</i>	2018 Main Line Blvd
127.	Jonathan Boyd	<i>[Signature]</i>	2102 Main Line Blvd
128.	Debra Boyd	<i>[Signature]</i>	2102 Main Line Blvd
129.	Scott Bailey	<i>[Signature]</i>	717 E Custis Ave
130.	Rebecca Brenten	<i>[Signature]</i>	715 E. Custis Ave.
131.	KEVIN BRENTON	<i>[Signature]</i>	715 E. CUSTIS AVE
132.	Loei Matz	<i>[Signature]</i>	721 E. Custis Ave
133.	Evan Matz	<i>[Signature]</i>	721 E Custis Ave
134.	Amy Ross	<i>[Signature]</i>	724 E CUSTIS AVE
135.	Dea Ross	<i>[Signature]</i>	724 E CUSTIS AVE.
136.	Jordan Franken	<i>[Signature]</i>	722 E. Custis Ave.
137.	Laurel Syms	<i>[Signature]</i>	713 McKenzie Ave
138.	Adam Bramwell	<i>[Signature]</i>	713 McKenzie Avenue
139.	MICHAEL VONN	<i>[Signature]</i>	2307 MAIN LINE BLVD #102
140.	Gary D. Duval	<i>[Signature]</i>	2404 Potomac Ave, 101
141.	Doris P. Duval	<i>[Signature]</i>	2404 Potomac Ave, 101
142.	Paula H J Chalmers	<i>[Signature]</i>	723 McKenzie Ave
143.	ERIC SIKORSKI	<i>[Signature]</i>	2404 Potomac Ave 102
144.	Brandon Plush	<i>[Signature]</i>	2406 Potomac #102
145.	Kathryn Mikolajczak	<i>[Signature]</i>	2406 Potomac Ave #101
146.	Frank Mikolajczak	<i>[Signature]</i>	2406 Potomac Ave #101
147.	Rick Courtney	<i>[Signature]</i>	2408 Potomac Ave #101

148.	Ross Kingan	2408 Potomac Ave Unit 102	<i>Ross Kingan</i>
149.	Chris Herb	721 Bluemont Ave	<i>Chris Herb</i>
150.	Kaoru Herb	721 Bluemont Ave	<i>Kaoru Herb</i>
151.	Burguera Gerald	2407 Conoy St 101	<i>Gerald Burguera</i>
152.	Cindy MA	2407 Conoy St 101	<i>Cindy MA</i>
153.	Therese Magnuson	2409 Conoy St 102	<i>Therese Magnuson</i>
154.	Barbara Coster	2218 Main Line Blvd	<i>Barbara Coster</i>
155.	Michael Coster	2218 MAIN LINE BLVD	<i>Michael Coster</i>
156.	Glenn G. Cooper	2406 Conoy St.	<i>Glenn G. Cooper</i>
157.	ED AUFRIED	715 DIAMOND AVE	<i>Ed Aufried</i>
158.	JACQU AUFRIED	715 DIAMOND AVE	<i>Jacqu Aufried</i>
159.	Anna Magoulas	618 E Custis Ave	<i>Anna Magoulas</i>
160.	Patrick Harenburg	618 E Custis Ave.	<i>Patrick Harenburg</i>
161.	William Pickle	721 McKENZIE Ave, ALEX, VA 22301	<i>William Pickle</i>
162.	Neevraj Binkar	737 Annie Rose Ave	<i>Neevraj Binkar</i>
163.	Ron Bowen	2105 Jefferson Davis Hwy Unit 101	<i>Ron Bowen</i>
164.	Loei Bowen	2105 Jefferson Davis #101	<i>Loei Bowen</i>
165.	Rebecca Miller	2605 Jefferson Davis #101	<i>Rebecca Miller</i>
166.	Timothy E. Curley	2210 Potomac Ave Unit 102	<i>Timothy E. Curley</i>
167.	MAX LEATHER	2008 Potomac Ave Unit #102	<i>Max Leather</i>
168.	CORNELIUS CROWLEY	714 E HOWELL AVE, ALEXANDRIA, VA (#KATE)	<i>Cornelius Crowley</i>
169.	CHAS & MICHAEL DAVIS	710 E HOWELL AVE, ALEXANDRIA, VA	<i>Chas &amp; Michael Davis</i>
170.	Michael & Jennifer Bennett	712 E. Howell Avenue Alexandria VA 22301	<i>Michael &amp; Jennifer Bennett</i>
171.	Sandra J. Aguirre	728 Diamond Ave, Alexandria, VA 22304	<i>Sandra J. Aguirre</i>
172.	Jillian D. Santistevan	728 Diamond Ave, Alexandria, VA 22304	<i>Jillian D. Santistevan</i>
173.	Angelina Maghioncalda	710 E Custis	<i>Angelina Maghioncalda</i>
174.	Jodie Wang	710 E Custis prancerdool@gmail.com	<i>Jodie Wang</i>
175.	Kimberly Person	725 E Custis Ave, Alexandria VA 22304	<i>Kimberly Person</i>
176.	Alan Grant	2313 Main Line Blvd Alexandria, VA	<i>Alan Grant</i>
177.	Linda Grant	2313 Main Line Blvd Alexandria, VA	<i>Linda Grant</i>
178.	Gate Lew	2204 Potomac Ave	<i>Gate Lew</i>
179.	Grace Lew	2204 Potomac Ave	<i>Grace Lew</i>
180.	Lama Hamandi	2215 Main Line Blvd.	<i>Lama Hamandi</i>
181.	Oubub Khalil	2215 Main Line Blvd	<i>Oubub Khalil</i>
182.	Bradley Denisar	700 Annie Rose Ave	<i>Bradley Denisar</i>
183.	Katie Denisar	700 Annie Rose Ave	<i>Katie Denisar</i>
184.	Patrick Bolliger	2314 Main Line Blvd	<i>Patrick Bolliger</i>
185.	Courtney Williams	2314 Main Line Blvd	<i>Courtney Williams</i>
186.	Jim Murch	2004 POTOMAC AVE	<i>Jim Murch</i>

## Jackie Henderson

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**From:** Maria Ciarrocchi <MCiarrocchi@alexchamber.com>  
**Sent:** Friday, June 03, 2016 9:38 AM  
**To:** Allison Silberberg  
**Cc:** Justin Wilson; Paul Smedberg; Del Pepper; Willie Bailey; John Chapman; Timothy Lovain; 'mslyman@verizon.net'; Jackie Henderson; Karl Moritz; Yon Lambert; Mark Jinks; Emily Baker  
**Subject:** Chamber Letter of Support for the Timely Completion of Alexandria's Potomac Yard Metrorail Station  
**Attachments:** Chamber Potomac Yard Letter 6.3.2016.pdf

Good morning,

Please see the attached letter from the Alexandria Chamber of Commerce regarding support for the timely completion of Alexandria's Potomac Yard Metrorail Station.

Ms. Lyman could you please forward this to the members of the Planning Commission?

Thank you,  
Maria Ciarrocchi

Maria Ciarrocchi  
Vice President of Public Policy and Programing

Alexandria Chamber of Commerce  
2834 Duke Street  
Alexandria, VA 22314  
703-739-3802  
[mciarrocchi@alexchamber.com](mailto:mciarrocchi@alexchamber.com)  
Follow us on Twitter: @alexvachamber



June 3, 2016

The Honorable Allison Silberberg  
Mayor, City of Alexandria  
301 King Street  
Alexandria, VA 22314

Re: Support for the Timely Completion of Alexandria's Potomac Yard Metrorail Station

Dear Mayor Silberberg:

On behalf of the Alexandria Chamber of Commerce, we are once again writing to express our strong support for the timely completion of the Potomac Yard Metrorail station. We are aware of several impending benchmarks; we urge you to keep the project moving and adhere to the published timeline.

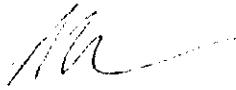
As you know, the Chamber has been outspoken in its support for this project due to the robust economic benefits it will bring the City. To refresh your memory, the Chamber has stated the following about the Metro:

*Alexandria's primary opportunity to realize economic development necessary to balance and grow our tax base lies within Potomac Yard. Redevelopment of Potomac Yard will create a vibrant mixed use community of residences, hotels and office, retail and open space -- all with significant economic benefit to the City. It will enable the City to compete for existing and future federal and other large commercial users. Their presence in Alexandria will help rebalance our tax base. The Potomac Yard and Potomac Yard North Coordinated Development District plans contemplate and depend upon Metro service. Constructing a new Metro station at Potomac Yard, is critical to successful redevelopment.*

If Alexandria is to continue to be the vibrant jewel of the National Capital region's economic success and compete for significant future commercial real estate opportunities, as well as attract the best and brightest workers, the Potomac Yard Metrorail station must be completed on schedule. Further delay will mean lost opportunities for the City.

You've got our wholehearted support for the timely completion of the Potomac Yard Metrorail Station. Thank you for giving us the opportunity to reinforce the message that the project will have an enormously positive impact on Alexandria's economic development.

Sincerely,



Robert Shea  
2016 Chamber Board Chairman  
Alexandria Chamber of Commerce



Joseph Haggerty  
President & CEO  
Alexandria Chamber of Commerce

CC

Members of the Alexandria City Council  
Mary Lyman, Chair, Alexandria Planning Commission  
Members of the Alexandria Planning Commission  
Mark Jinks, City Manager  
Emily Baker, Deputy City Manager  
Karl Moritz, Director, Department of Planning & Zoning  
Yon Lambert, Director, Department of Transportation & Environmental Services

## Gloria Sitton

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**From:** Rafael Lima via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Wednesday, June 15, 2016 12:26 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #99193: Mayor, Vice Mayor, City Council Honorable Mayor, Vice Mayor and Members

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 99193.

### Request Details:

- Name: Rafael Lima
- Approximate Address: No Address Specified
- Phone Number: 202-549-4536
- Email: cavazonilima@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Honorable Mayor, Vice Mayor and Members of City Council,

We, concerned citizens living in Potomac Yard, reviewed the application prepared by the City of Alexandria Department of Project Implementation and the Washington Metropolitan Area Transit Authority, requesting the approval of a Master Plan Amendment, Map Amendment (rezoning), and Development Special Use Permit to construct a Metrorail station and associated facilities in Potomac Yard.

In anticipation of the City Council Public Hearing scheduled for this Thursday, June 16, 2016 concerning the approval of the above, we would like to indicate to you the following:

- 1) As currently conceived, the Tier II portion of the Special Tax District which affects exclusively residential properties in Potomac Yard needs to be repealed by City Council;
- 2) Also, there are certain aspects concerning the design and impact of the proposed station to Potomac Yard residents that require your immediate attention.

The attached letter provides a rationale and details regarding the above. We ask that you please consider it carefully as these are important issues to our community.

Thank you for your consideration.

Sincerely,

Rafael Lima, on behalf of the Potomac Yard Metro Committee and PYSTD.ORG

- Attachment: [PotomacYard.Letter to City Council.pdf](#)
- Expected Response Date: Wednesday, June 22

Please take the necessary actions in responding, handling and/or updating this request at [the \*\*Call.Click.Connect.\*\* staff interface.](#)

If you need assistance with handling this request, please contact [CallClickConnect@alexandriava.gov](mailto:CallClickConnect@alexandriava.gov) or call 703.746.HELP.

This is an automated email notification of a **Call.Click.Connect.** request. Please do not reply to this email.

## City Council Public Hearing – Potomac Yard Metro Station

Honorable Mayor and Members of the City Council,

In anticipation of the City Council Public Hearing scheduled for this Thursday, June 16, 2016 concerning the approval of a Master Plan Amendment, Rezoning and Development Special Use Permits related to the Potomac Yard Metrorail Station, I, on behalf of the Potomac Yard Special Tax District Committee for Tax Fairness, would like to bring to your attention some considerations related to the funding structure - particularly the Tier II portion of the Special Tax District (“STD”)- as well as issues related to the design and impact of the proposed metro station in our community. These are issues that matter to me personally, but are also concerns shared by many in Potomac Yard.

Therefore, we ask you to consider the following points prior to deciding the matters before you:

- 1) As currently conceived, the Tier II portion of the Special Tax District which affects exclusively residential properties in Potomac Yard needs to be repealed by City Council.**

Metrorail has historically been paid for by all taxpayers (not just those who live by a station), or by the creation of a transportation district that includes only commercial properties pursuant to Va. Code 58.1-3221.3. For example, the Silver Line is being funded by a transportation district. However, the application submitted for your consideration (see pages 11 and 12 of the [Staff Report](#)) indicates that under the funding structure for the proposed Potomac Yard Metrorail Station, the bulk of the capital costs will be paid for using new Potomac Yard-generated tax revenues and developer contributions. It also indicates that two STDs have been established to generate revenue for the “Station Fund”. The City has told us that these STDs are the only special tax districts in the City of Alexandria. One of them, the Tier II STD, would apply to single-family and condominium development in the lower part of Potomac Yard and is planned to assess 10 cents per \$100 of valuation with collections to begin in the calendar year after the station opens.

We believe the above STD is a significant problem for the implementation of this project, given that the Tier II portion of the STD was constructed on the basis of “arbitrary, discriminatory, or irrational” criteria, which is the test applied by Virginia Circuit Courts to decide whether to strike down decisions made by local assemblies in such matters when a STD is unconstitutional under the Virginia Constitution tax uniformity clause (see precedents [here](#)). Also, our community takes grave offense with the way the City Council approved the Tier II STD to target solely our community and, therefore, requests it be repealed immediately.

Before rejecting our arguments, please let us explain why we believe that is the case.

As thoroughly described in the [Potomac Yard Planning & Development Information](#) website, the City started discussing the redevelopment of the Potomac Yard site in 1987 and developed a [Potomac Yard/Potomac Greens Small Area Plan in 1992](#). Subsequently, the City developed a comprehensive development plan for a large portion of Potomac Yard in 1999. Next, the City considered a series of



Development Special Use Permits for each of the Potomac Yard Landbays, thus establishing the legal framework under which land use aspects would be considered for the entire area.

The first Development Special Use Permits considered by City Council were related to Landbay A – Potomac Greens and were approved on May 17, 2003. The DSUP#2002-0026 related to Potomac Greens included a series of conditions related to the Future Metro Station and Pedestrian Bridge (see pages 120 and 121 of the “Staff Report”), including the following:

***“Special District Conditions:*** *If the City establishes a special service tax district for this area to raise funds to finance transit capital projects or transit operating programs and services which would serve, in part, Potomac Greens (such as, but not limited to, assisting in the financing of a new Metrorail station adjacent to Potomac Greens), in accordance with the TMP for Potomac Yard, all owners of property within this development, including fee-simple owners and the HOA shall be required to participate in the district. The developer shall include such requirement in the official disclosure statements to potential purchasers and attach it to the deed established for all properties. Language indicating that a special service district would entail an add-on real estate tax to the regular City real estate tax shall be included in these documents.”*

On May 28, 2010, the City Staff agreed with Potomac Yard Development, the developer of our neighborhood, to include the future residents of Potomac Yard in a STD that would fund the metro station, in exchange for Pulte not being required to pay other developer contributions to the City of Alexandria. The MOU signed between the City of Alexandria and the Potomac Yard Developers provides (see page 4 of 10, paragraph f in Exhibit A):

*“The special service tax district will end when the bond is repaid or, if the bond is not issued prior to July 1, 2016, the special tax district will end at that time.”*

Likewise, the North Potomac Yard Small Area Plan (see page 83), adopted by City Council on June 12, 2010, included an overview of financing for the Potomac Yard Metro Station as follows:

*“The City plans to enact special tax districts on Landbays F, G, H, I, and J as well as Potomac Greens that will help pay for a portion of the cost of the Metrorail station, and to issue general obligation or other types of municipal bonds for such construction, most likely backed by the full faith and credit of the City of Alexandria, or a similar pledge. Special tax districts could be implemented as early as 2011 to help finance pre-construction and environmental study costs. At this time the needed tax rate prior has not been determined. Two special tax districts are contemplated: one district for the higher density Landbays F, G, and H, and a second tax district for the lower density Landbays I and J and Potomac Greens. The exact boundaries in Landbay H, I, and J remain to be determined.”*

Therefore, Potomac Yard was planned for over 10 years under the assumption that all surrounding neighborhoods would be part of a STD to fund the future Potomac Yard Metrorail Station.

Despite the above conditions adopted by the City, in a Memorandum dated May 19, 2011 submitted by Bruce Johnson to the Mayor and Members of City Council (see page 1 of the Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District), the then Acting Manager surprisingly recommended that City Council introduce the ordinance establishing the Tier II Potomac Yard Metrorail Station Special Services District, without the inclusion of Potomac Greens.

At that time, the residents of Potomac Greens made the following key points as objections to their inclusion in the Tier II STD (see page 3 the Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District):

- *“Metrorail has historically been paid by all City taxpayers, not just those living close to a station.*
- *Potomac Greens residents were not here in 1999 to participate in the decision which contemplated a special tax district, nor was the tax district in place when they purchased their homes.*
- *Disclosure of the possibility of a tax district in homeowners' settlement documents was not widely known.*
- *Because Potomac Greens homes will eventually appreciate because of the adjacency of a Metrorail station, the average Potomac Green homeowner will pay approximately \$800 more per year already in City real estate taxes (assumes 10% appreciation due to adjacency to a Metrorail station). This will generate about \$0.2 million in revenue that will be directed to the Potomac Yard Metrorail Station fund.*
- *The adjacent Old Town Greens is not in the tax district.*
- *The recent two-cent increase in the City's real estate tax rate means that all City residents, including those in Potomac Greens, will be paying higher taxes for transportation purposes.”*

City staff also recognized that the exclusion of Potomac Greens would have a fiscal impact to the city and a funding source to close the \$0.2 million annual revenue gap would need to be identified (see page 4 of the Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District). Notwithstanding this fiscal impact, City Council authorized the creation of the Tier II Potomac Yard Metrorail Station Special Tax District by Ordinance No. 4722 on June 25, 2011, excluding Potomac Greens.

The above history is precisely why our community takes grave offense with the way the Tier II STD was approved by City Council. Our request for it to be repealed immediately is justified because the very reasons presented by the residents of Potomac Greens to justify their exclusion of the STD are equally applicable to the residents of Potomac Yard.

The fact that the proposed exclusion of Potomac Greens was inconsistent with the conditions of the Potomac Yard Coordinated Development Districts as well as the Potomac Greens Development Special Use Permit was also made clear to City Council at the time of such approval (see letter submitted by CPYR the owner of Potomac Yard Landbay F included as an annex to the Memorandum Concerning the Ordinance to Establish the Tier II Potomac Yard Metrorail Station Special Services District). City Council decided, nonetheless, to set a precedent and removed Potomac Greens from the Tier II portion of the STD despite the potential fiscal impact and consequences to the financing structure of the Potomac Yard Metrorail Station.

Therefore, City Council should extend to Potomac Yard residents the same treatment granted to Potomac Greens residents, as our right to equal and fair treatment by City Council, as citizens, should be more important than securing all possible funding for the Potomac Yard Metrorail station (a project that primarily benefits the City, not the residents of Potomac Yard). This was already requested to City Council in 2015, through a petition signed by 226 residents (see Exhibit B).

Below, we present a series of arguments to better illustrate how the reasons presented by Potomac Greens, which resulted in them being removed from the Tier II STD, apply equally to Potomac Yard:

- *“Metrorail has historically been paid by all City taxpayers, not just those living close to a station.”*

The above is entirely applicable to Potomac Yard residents as well. Given the selection of Alternative B, Potomac Yard is not even the closest community to the proposed metro station (it is considerably further away than Potomac Greens itself as illustrated in page 13 of the Staff Recommendation for the Preferred Alternative). In fact, recently City staff indicated to our Community that the transportation and economic benefit area of a Metrorail station for residential property is considered to be about 0.5 miles from a Metrorail station. A substantial portion of the residents of Potomac Yard included in the Tier II of the STD are beyond 0.5 miles from the site selected by City Council for the metro station.

Furthermore, the proposed station is being constructed as an economic development measure for the City, not to serve the residents of Potomac Yard. As stated by the Chairman of the Alexandria Chamber of Commerce in a letter of support for NVTVA funding (see page 256 [here](#)):

*“Alexandria’s primary opportunity to realize economic development necessary to balance and grow our tax base lies within Potomac Yard. Redevelopment of Potomac Yard will create a vibrant mixed use community of residences, hotels and office, retail and open space -- all with significant economic benefit to the City. It will enable the City to compete for existing and future federal and other large commercial users. Their presence in Alexandria will help rebalance our tax base. The Potomac Yard and Potomac Yard North Coordinated Development District plans contemplate and depend upon Metro service. Constructing a new Metro station at Potomac Yard, is critical to successful redevelopment.”*

Also, the Staff Recommendation for the Preferred Alternative provides (see p. 14):

*“Projections show that a Metrorail station at Alternative B will result in approximately \$1.5 billion in net revenue to the City over forty years. By the end of that period, the development in Potomac Yard will be producing approximately \$98 million of revenue every year beyond what is needed to pay for the station and City services for the residents and businesses in Potomac Yard (see Figure 4, Alternative B Cash Flow). This means that the redevelopment of Potomac Yard will be producing \$98 million every year that can be used to pay for services and amenities throughout the City.”*

- *“Potomac Greens residents were not here in 1999 to participate in the decision which contemplated a special tax district, nor was the tax district in place when they purchased their homes.”*

Potomac Yard residents were not here in 1999 to participate in the decision either, when the City contemplated a STD. Further, the existence of a STD at the moment of purchase bears no relationship with whether such community will benefit or not from such development. Therefore, the policy basis rationale presented by City Staff for drawing a distinction between Potomac Yard and Potomac Greens residents relative to tier II STD is simply flawed. No special tax will be levied until the station is actually constructed and operational. Therefore, both Potomac Yard and Potomac Greens residents are on equal footing as to the applicability of the tax relative to the timing of purchase of their homes.

- *“Disclosure of the possibility of a tax district in homeowners' settlement documents was not widely known.”*

As discussed above, the DSUP#2002-0026 related to Potomac Greens included a series of conditions related to the Future Metro Station and Pedestrian Bridge (see pages 120 and 121 of the “Staff Report”). As established by the City, Potomac Greens developers were required to disclose the possibility of a STD to all Potomac Greens buyers.

Likewise, Potomac Yard residents were not clearly aware of the existence of said tax district at the moment of purchase. The sales agreement for the homes in Potomac Yard merely indicated the following, on page 54: *“In accordance with the Transportation Management Plan (TMP) for Potomac Yard; if the City establishes a special taxing district for this area to raise funds to finance transit capital projects or transit operating programs and services which would serve, in part, partial Landbay J/partial Landbay I, all owners of property within Potomac Yard, including fee-simple owners, condominium owners and the Homeowners' Association, shall be required to participate in the district.”* The language included alludes to a possibility, not a fact. It also does not indicate the amount of the tax, or that only our small group of residences within the City would be subject to such additional special tax - rather than all residences within Alexandria or all residences equidistant to the metro station. Further, the deeds for Potomac Yard residents do not mention the special tax district.

- *“Because Potomac Greens homes will eventually appreciate because of the adjacency of a Metrorail station, the average Potomac Green homeowner will pay approximately \$800 more per year already in City real estate taxes (assumes 10% appreciation due to adjacency to a Metrorail station). This will generate about \$0.2 million in revenue that will be directed to the Potomac Yard Metrorail Station fund.”*

This statement is applicable to Potomac Yard as well. In fact, the applicability of the STD to only the residences located in Potomac Yard may cause the value of Potomac Greens

homes to artificially appreciate. Conversely, Potomac Yard homes will artificially depreciate in relative terms, causing market distortions and undermining the very purpose of the STD.

- *“The adjacent Old Town Greens is not in the tax district.”*

This statement is even more relevant to Potomac Yard than it was to Potomac Greens, as the adjacent Potomac Greens and Oakville Triangle, as well as parts of Del Ray, are much closer to the proposed station than Potomac Yard but are not included in the STD (as illustrated in page 13 of the Staff Recommendation for the Preferred Alternative). Old Town Greens also continues to be excluded.

- *The recent two-cent increase in the City's real estate tax rate means that all City residents, including those in Potomac Greens, will be paying higher taxes for transportation purposes.*

Much like the case of Potomac Greens, this statement is entirely applicable to Potomac Yard residents. Further, we do not understand why the City cannot use the transportation funds generated from this tax increase, to remove our neighborhood from the STD, or why the City cannot increase the City's real estate tax rate by the estimated 1/10 of one cent that was calculated to be necessary to remove Potomac Yard from the STD.

Regarding the City's differential treatment of Potomac Greens and Potomac Yard residences in relation to fiscal impacts, please note that in a Memorandum dated May 15, 2015, submitted by Mark Jinks to the Mayor and Members of City Council (see attachments to Memorandum With Additional Information on The Potomac Yard Tier II Special Tax District), the City Manager indicated that the Tier II revenues provide about 5% of the funding for the station, and estimated roughly that eliminating the Tier II from the STD would have a potential fiscal impact to the city of about a \$0.5 million annual revenue gap which would need to be eventually funded by an alternative source. However, more recently when Potomac Yard residences objected to being included in the STD, the City Manager pointed to certain downside risks to the City of removing Potomac Yard from the STD, stating that the City cannot assume with certainty until the construction contract is ready to be awarded that these revenues would not be needed for this project. Also, City staff and members of City Council recently told us they are unwilling to remove Potomac Yard from the STD at this time, despite their removal of Potomac Greens from the STD in 2011, and despite several Councilmembers' campaign statements (made in 2015) that they would be working with City Staff on a revised financial plan and would support an alternative funding source to the Tier II STD to exclude residential properties (see details here).

Further, we recently found out that since 2010, the City has been using 40% of the property taxes of Potomac Yard residences to pay for the metro project and plans to continue doing so, while also planning to impose the burdensome STD on our residences for 30 years to pay for the Potomac Yard Metrorail Station (see page 5-3, lines 73-81 of the “Project Costs and Funding” section of the Potomac Yard Metrorail Station Final EIS).

Therefore, our community believes that City Council (advised by City Staff) is applying an “arbitrary, discriminatory, or irrational” basis to give to Potomac Yard a different treatment than the one applied to

Potomac Greens in the same matter. While City Council allowed Potomac Greens to be excluded from the Tier II STD despite a potential fiscal impact, the City Council is telling Potomac Yard residents they have to wait until the funding structure of the project is defined to know if they will be exempted or not from paying such special taxes. Therefore, the current state of the Tier II STD is unacceptable for obvious reasons of uniformity and fairness.

If the above was not sufficient by itself to repeal the STD as currently constructed, please note that the bond related to the Potomac Yard Metrorail Station has not been issued by the City and will not be issued prior to July 1, 2016; thus, according to the MOU signed between the City of Alexandria and the Potomac Yard Developers (see page 4 of 10, paragraph f in Exhibit A for details), the STD for Potomac Yard should end immediately.

Therefore, we ask City Council to explain to our community the following:

- (i) Will the City Council repeal the Tier II Special Tax District immediately for the reasons indicated above?
- (ii) If not, how do you justify the difference in treatment given by City Council to two neighborhoods with similar socio-economic backgrounds and planned under the same Coordinated Development Districts with respect to a special tax district?
- (iii) When will our community see a detailed series of costed-out alternatives for Council consideration, including changes to revenue sources and a consideration of options to address the unfairness of the Tier II special tax district, as expressly ordered by City Council on May 20, 2015 during the consideration of a resolution to adopt a locally preferred alternative for the Potomac Yard Metrorail Station? See the Meeting Minutes of the City Council Special Meeting of May 20, 2015 [here](#). We have only been provided with the May 15, 2015 [Memorandum With Additional Information on The Potomac Yard Tier II Special Tax District](#), which was submitted to the City Council [before](#) the City Council ordered a more detailed consideration of options.

**2) The City Council also needs to consider certain aspects concerning the design and impact of the proposed station to Potomac Yard residents.**

While recognizing there has been some progress on some of these issues as of late, we would like to bring to your attention that the [Staff Report](#) does not fully reflect our community's substantive previous engagement with City Staff in matters of design and impact. Specifically, we have the following concerns:

- [Costs](#). We would like to understand how cost factors were considered and can be reduced, as part of the design process of the station. Despite the reasons presented by Commissioner Koenig as part of the Planning Commission Actions taken on June 7, 2016, we are concerned with how the choice of materials/forms selected by City Staff will adversely affect the overall price of the project. We were told that based on research, design and choice of materials can

increase the overall project price by 8-12% in similar infrastructure projects. As indicated above, the Tier II portion of the STD corresponds to only 5% of the funding for the station. Therefore, a consideration of how station design costs can be reduced is relevant for our community, given the magnitude of the Special Tax District planned to be imposed on us.

- Ramps. We would like to discuss alternatives to the planned access ramp, as the solution of one ramp between both communities that is accessible only at WMATA hours directly contradicts a previous decision made by City Council. The DSUP#2002-0026 related to Potomac Greens included a series of conditions related to the Future Metro Station and Pedestrian Bridge (see item 3 in pages 120 of the “Staff Report”). Also, we would like to see alternatives to the proposed bike ramps on the West side of the tracks, as the City is projecting the ramps towards the north of the development, despite the fact that the dedicated bike lanes along Potomac Yard Park run towards the south.
- Impact. We would like to see specific consideration of the following requests made by our community:
  - Present a plan to mitigate construction traffic impact along Jefferson Davis Highway/Route 1 and traffic inflow into our community,
  - Either pursue the option to use the metrobus lanes for construction traffic and obtain an exception to do so from the relevant federal agency, or plan to conduct inspections pre-and-post construction on the houses located along Jefferson Davis Highway/Route 1.
  - Install traffic calming measures along Potomac Avenue, in addition to the high visibility cross-walk currently planned for the playground located in Potomac Yard Park.
  - Develop a comprehensive parking solution to Potomac Yard immediately, considering the periods of construction and operation of the metrorail station. In doing so, consider the creation of parking districts and installing private parking lots near the North Pavilion.
  - Plan to add a Kiss and Ride near the North Pavilion, possibly on the west side of Potomac Avenue or alternatively plan for concrete mitigating actions to prevent kiss and ride behavior along Potomac Avenue.
- Community engagement. Review the section “V. Community” of the Staff Report to recognize that the City’s consultation so far was heavily focused in Potomac Greens and that the City needs to solve pending issues with our community, particularly regarding the STD.

Therefore, we urge City Council to take these points into consideration and request that City Staff make changes to address these concerns prior to approving the applications and special use permits requested.

Sincerely,

Rafael Lima, on behalf of the Potomac Yard Special Tax District Committee for Tax Fairness



## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is entered into this \_\_\_\_ day of May, 2010, by and between the City of Alexandria, a municipal corporation of the Commonwealth of Virginia (the "City"), Potomac Yard Development, LLC, a Delaware limited liability company ("PYD"), and RP MRP Potomac Yard, LLC, a Delaware limited liability company ("MRP"), collectively referred to as the "Parties."

### **RECITALS:**

1. PYD and MRP are owners of the real property located in the City of Alexandria, Virginia, containing approximately 116.56 acres of land and 13.28 acres of land, respectively, and known collectively as "Potomac Yard", and thereby have the existing rights and obligations as applicants, under the zoning and land use approvals reflected in the CDD Coordinated Development District 99-001 and associated zoning approvals, as amended.
2. The North Potomac Yard Small Area Plan proposes to increase the density within Landbay F from 600,000 SF to approximately 7,500,000 SF.
3. The City is evaluating the relocation of the Metrorail station north of the existing reservation.
4. The City desires to obtain easements from PYD necessary to construct and operate a Metrorail station north of the existing reservation.
5. The City desires to create special service tax districts including PYD and MRP's property to fund the Metrorail station.
6. PYD and MRP desire to obtain timely approval of amendments to CDD 99-001, as amended through CDD 2008-0004, and certain associated approvals including the Alternative Concept Plan, the Potomac Yard Urban Design Guidelines, the Potomac Yard/Potomac Greens Small Area Plan, DSUP 2008-0027,0028 and 0029, DSUP 2008-0013 and City Code section 5-6-25.1 (herein collectively referred to as the "Amendments").
7. PYD and MRP desire to obtain confirmation from the City that they will not be subject to any "developer contribution" associated with the funding of a Metrorail Station.
8. PYD desires to obtain timely approval of new DSUPs with preliminary site plans for the townhouse/urban loft portions of Landbay I, J, and L development permitted by the Amendments and to commence construction of the development in 2013.

9. MRP desires to obtain timely approval of an amendment to DSUP 2007-0022, to reflect the Amendments and to commence construction of Phase I in 2011.
10. The Parties agree that timely approval and construction of the mixed use development and a Metrorail Station in Potomac Yard will be mutually beneficial.
11. The Parties have agreed to the terms of this Memorandum of Understanding to memorialize, define, and acknowledge the expectations and agreements of the Parties with respect to the matters contained herein.
12. Nothing in this document is intended to, or can, affect the authority or discretion of the Planning Commission or City Council in reviewing or approving applications submitted or required to be submitted by the Parties pursuant to the Zoning Ordinance, City Code, and/or State Code.
13. This Memorandum of Understanding shall supersede any prior draft documents prepared and discussed by the Parties during the negotiation of this Memorandum of Understanding.
14. The Parties agree to cooperate and coordinate with each other to establish a timely, orderly, and defined review and approval process in order to implement the agreements contained herein.
15. The Parties agree that the Amendments and DSUP Applications set forth below are subject to a public process with review by PYDAC, staff, the Planning Commission and City Council, and that modifications to the Amendments and associated DSUP Applications may be necessary due to new information that was not known during the negotiation of this Memorandum of Understanding. The Parties further agree that to the extent that such modifications materially alter the agreements set forth herein, the Memorandum of Understanding shall be amended to adjust for such change(s) in circumstance.

**AGREEMENTS:**

The Parties, each pursuant to due and proper authority, agree to the following points, which shall govern the Parties' actions with respect to the matters contained herein:

**A. Special Service Tax District**

1. PYD and MRP agree to participate in a special service tax district to contribute towards the cost of the environmental studies, planning, design, construction of public infrastructure and debt service associated with the proposed Potomac Yard Metrorail Station, should such a tax district be imposed by City Council.
2. In recognition of the significant developer contributions previously made and to be made for major infrastructure improvements, PYD and MRP will not be subject to any "developer contribution" associated with the funding of a Metrorail station.
3. The City intends to create two special service tax districts (Tier I and Tier II) effective as of January 1, 2011 with tax rates to be set in accordance with the City budget cycle, to fund a Metrorail station in Potomac Yard. The Parties agree that Landbays G, H, I, and J will be part of the special service tax districts subject to the following:
  - a. The special service tax districts are planned to be created prior to the end of 2010, which should be after the approval of the CDD Amendments listed below:
  - b. While state law requires a special service district to be created prior to the calendar year in which the levy first occurs, the actual rate setting will occur simultaneous to the normal City budget and tax rate setting schedules. These special taxes will be billed and due as part of the regular real estate tax billing and payment process (June and November of each year).
  - c. Landbay L will not be part of any special service tax district;
  - d. The non-multifamily (i.e. townhouse and urban loft) portion of Landbay I and all of Landbay J will be included in the Tier II special service tax district and taxed at the same rate as Landbay A. The Tier II tax levy will not start until the Metrorail station opens (2016 is the current projection). The Tier II district will be taxed at a lower rate (currently contemplated at 10-cents per \$100 of assessed value) than the Tier I district.
  - e. Landbays G, H, and the multi-family portion of I will be included in the Tier I special service tax district, and taxed at the same rate as Landbay F. The Tier I tax levy will start no sooner than 2011 in order to help fund station pre-development costs. The Tier I district will be taxed at no more than 20-cents per \$100 of assessed value.

- f. The special service tax district will end when the bond is repaid or, if the bond is not issued prior to July 1, 2016, the special service tax district will end at that time.

**B. The Amendments**

PYD and MRP agree to file, and the City agrees to process, the Amendments required to achieve the following, in good faith conformance with the schedule attached as Exhibit A:

1. Reallocate the uses and densities within Potomac Yard in general conformance with the Potomac Yard Concept Plan dated May 19, 2010 and attached as Exhibit B.
2. Reconfigure the retail uses in Landbay G to emphasize the primary retail focus on Glebe Road and retail connections to Landbay F in Block A.
3. Increase the density in Landbay G, Block F to accommodate office use or residential units in a five story building on Block F in general conformance with the Potomac Yard Concept Plan dated May 19, 2010 and attached as Exhibit B.
4. Permit flexibility in retail uses in Landbays G, H, I, J, and L.
5. Permit reduced parking ratios in Landbays G, H, I, and J when the WMATA Board issues a Design/Build RFP for the construction of a Metrorail station.
6. Permit above grade parking for each multifamily and office building and block subject to the following:
  - each multifamily or office building and block shall provide a minimum of one level of underground parking;
  - above-grade structured parking may be located within the central portion of the block at grade, provided that a minimum of one level of parking is provided below grade and each level of the entire street and/or park/open space frontage is devoted to active uses (residential, office and/or retail);
  - If above-grade structured parking is provided above the ground floor uses, the parking is required to be screened with active uses (residential, office and/or retail) for the entire street and/or park/open space frontage;
  - This shall not impact the approved parking in Landbay G, Block D.

7. Allow interim surface parking to be provided in Landbay G, Blocks A, B, D, E and /or G.
8. Provide for the construction of the Mainline Boulevard and other associated improvements such as street lights, curbing, etc. to enable the connection within Landbay G to occur with the first phase of construction but starting no later than December 31, 2011 provided that the Mainline Boulevard connection along the western face of Block D within Landbay-F-North Potomac Yard has been constructed by others. Temporary asphalt sidewalks will be provided along the Mainline Boulevard connection within Landbay-G, with permanent sidewalks and streetscape to be constructed concurrently with the buildings on Block D and Block G.
9. Permit a cash contribution in lieu of construction of a pedestrian bridge. The cash contribution will be utilized by the City toward the design, permitting, and other soft and hard costs associated with construction of a Metrorail station at Potomac Yard. The contribution will be made as follows:
  - i. \$500,000 within 30 days of final unappealable approval of the Amendments that achieve the principles outlined herein.
  - ii. \$500,000 to the City within 30 days of final unappealable approval of a DSUP with preliminary site plan for the remaining townhouse/urban loft parcels in Landbay I and J in conformance with the Potomac Yard Concept Plan dated April 14, 2010, that achieves the principles outlined herein.
  - iii. \$500,000 to the City within 30 days of final unappealable approval of a DSUP with preliminary site plan for the townhouse/urban loft parcels in Landbay L in conformance with the Potomac Yard Concept Plan dated May 19, 2010, that achieves the principles outlined herein.
  - iv. Notwithstanding provisions ii and iii above regarding the timing of payments, the \$1 million set forth therein shall be paid to the City no later than December 31, 2013.
  - v. \$500,000 within 30 days of the bond being issued for funding of the Metrorail station. If the bond is not issued for a Metrorail station, no additional contribution will be made.
10. Permit design and additional parking flexibility to accommodate GSA tenants in Landbay H/partial I in conformance with the Potomac Yard Concept Plan dated May 19, 2010, with the understanding that mutually agreeable design parameters for GSA tenants will be developed as part of the Amendments process.

11. Increase the height on Landbay H between Mainline Boulevard and Route 1 from a 65' maximum up to a 100' maximum and increase the height in Landbays I/J from a 55' maximum up to a 75' maximum, with appropriate transitions to adjacent uses.
12. Remove the responsibility for construction of the "North Trail" and any other Landbay K enhancements adjacent to Landbay F beyond the northern stormwater management pond (the "Improvements"). PYD will dedicate the portion of Landbay K beyond the northern stormwater management pond to the City and make a cash contribution of \$300,000 in lieu of the Improvements prior to issuance of a building permit for the 100<sup>th</sup> residential unit associated with DSUP 2008-0018 (Landbay I/J East).
13. Reflect two phases within Landbay K, based on the removal of the Improvements from the Landbay K Plan. Remove all references to the Improvements and pedestrian bridge from the Landbay K Plan.
14. Revise City Code Section 5-6-25.1 (c) to extend the time frame for sanitary sewer connection applications at the reduced rate set forth therein from "within 15 years" to the date of issuance of the first building permit subsequent to April 1, 2002 to "within 22 years."
15. In the event that the east/west road in Landbay F is installed prior to the construction of Block A, MRP will construct a "T" intersection on its portion of the east/west road where it meets Potomac Avenue.

**C. DSUP Applications**

1. PYD agrees to file DSUP with preliminary site plan applications for the townhouse/urban loft portion of Landbay I, J, and L, in conformance with the Amendments, no later than September 1, 2010.
2. MRP agrees to file an amendment to DSUP 2007-0022, in conformance with the Amendments, no later than September 1, 2010.
3. The City agrees to process and docket the DSUP applications set forth in 1 and 2 above, as soon as possible, but no later than April 2011.

**D. Metro Easements**

1. PYD will grant permission to the City, WMATA, the National Park Service, and their respective consultants to access PYD's property to perform work associated with the process for determining the Metrorail station location, subject to the appropriate insurance requirements being in place.
2. PYD intends to grant the necessary easements to the City, including two crossings of the railroad tracks, for construction and operation of a Metrorail station once the final location and design of the station has been approved, but not before unappealable approval of the Amendments and the DSUP with preliminary site plans for the townhouse/urban loft portions of Landbay I, J, and L.

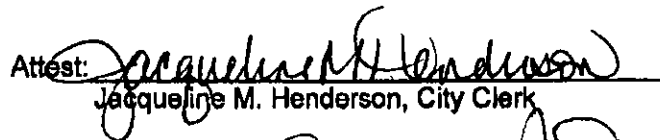
This Memorandum of Understanding is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF ALEXANDRIA, a municipal corporation of Virginia

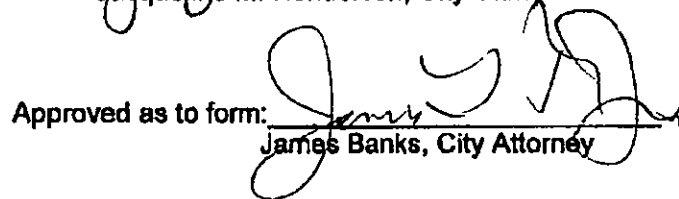
By:

  
James Hartmann, City Manager

Attest:

  
Jacqueline M. Henderson, City Clerk

Approved as to form:

  
James Banks, City Attorney



**POTOMAC YARD DEVELOPMENT, LLC,**  
a Delaware limited liability company

By: Potomac Yard Development Sole  
Member LLC,  
a Delaware Limited Liability Company  
Its sole member

By: Centex Homes, A Nevada general  
partnership, Member

By: Centex Real Estate Corporation, a  
Nevada corporation, Its Managing  
General Partner

By: 

Name: Lewis Birnbaum

Title: Div. President


**PULTE HOME CORPORATION,** a Michigan  
corporation, Member

By: 

Name: Lewis Birnbaum

Title: Div. President

**RP MRP POTOMAC YARD LLC, a Delaware limited liability company**

By:  \_\_\_\_\_

Name: FREDERICK W. BETHUNE, JR.

Title: AUTHORIZED REPRESENTATIVE

**MOU/AMENDMENTS SCHEDULE  
MAY – DECEMBER, 2010**

**MAY**

- 5/5 Meeting regarding Amendments/MOU
- 5/12 Meeting regarding Amendments/MOU
- 5/19 Finalize MOU
- 5/28 File Amendments

**JUNE**

- 6/9 PYDAC Meeting #1 regarding Amendments

**JULY**

- 7/7 PYDAC Meeting #2 regarding Amendments

**August**

- 8/18 PYDAC Meeting #3 regarding Amendments

**September**

- 9/8 PYDAC Meeting #4 regarding Amendments
- 9/9 PC Worksession regarding Amendments
- 9/14 CC Worksession regarding Amendments & Special Service Tax District

**October**

- 10/5 PC public hearing regarding Amendments
- 10/16 CC public hearing regarding Amendments

**November**

- 11/9 CC legislative meeting: Special Service Tax District Ordinance (Introduction & 1<sup>st</sup> reading)
- 11/13 CC public hearing regarding Special Service Tax District Ordinance (2<sup>nd</sup> reading and public hearing. Defer adoption to 11/23)
- 11/16 Amendment appeal period ends
- 11/23 CC Legislative Meeting: Adopt Special Service Tax District Ordinance

**Schedule if Amendments get deferred in October**

11/4 PC public hearing regarding Amendments

11/13 CC public hearing regarding Amendments

12/13 Amendment appeal period ends

12/18 CC public hearing, 2<sup>nd</sup> reading and adoption of Special Service Tax  
District Ordinance