

MAY 17 2013

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14

5-18-13

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RETIRED
CYRIL D. CALLEY, 2005

May 17, 2013

The Honorable William D. Euille, Mayor
and Members of City Council
City of Alexandria
301 King St., Room 2300
Alexandria, VA 22314

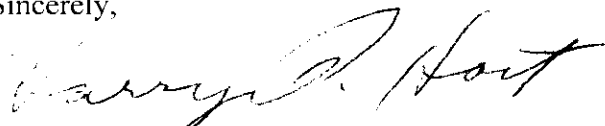
Re: Docket Item No. 14, Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Sewer Connection Fee

Dear Mr. Mayor and Members of City Council:

We're writing to comment on the proposed implementation of the amendments to the Sewer Connection Fees on your docket tomorrow. The implementation date, as proposed by staff, balances the need to encourage economic viability by treating the smart growth projects already underway with fairness and ensuring adequate contribution to the City's sanitary sewer capital improvement needs. This balance is important to the economic sustainability priorities of the Council. Also important is the recommended change to create a separate category for hotels and the phasing in of the increase for hotels is a good first step. Hotels provide the City with the highest net revenue return of any development and that should be acknowledged.

It is important to note that these smart growth projects that Staff has considered as part of the implementation process are already contributing substantially to a number of the City's policy and capital improvement goals. Staff should be commended for their hard work, in particular Ms. Emily Baker, and her efforts are much appreciated.

Sincerely,



Harry P. Hart

cc: W. Clarke Ewart, Paradigm Development Co.
Austin Flaser, Carr Hospitality

Gloria Sitton

14
5-18-13

From: Jackie Henderson
Sent: Friday, May 17, 2013 7:42 PM
To: William Euille; Del Pepper; Allison Silberberg; John Chapman; Paul Smedberg; Justin Wilson; Timothy Lovain
Cc: Gloria Sitton
Subject: Fwd: Sewer Ordinance
Attachments: 20130517141634126.pdf; ATT00001.htm

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: "Chae, Grace E." <gchae@mcguirewoods.com>
To: "Jackie Henderson" <Jackie.Henderson@alexandriava.gov>
Cc: "Rak, Jonathan P." <jrak@mcguirewoods.com>, "Wire, Kenneth W." <kwire@mcguirewoods.com>, "Mark Jinks" <Mark.Jinks@alexandriava.gov>, "Emily Baker" <Emily.Baker@alexandriava.gov>
Subject: Sewer Ordinance

Ms. Henderson,

Per Mr. Ken Wire, attached please find the letter to the Mayor and the City Council.

Thank you.

Grace E. Chae
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McGuireWoods LLP
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Suite 1800
Tysons Corner, VA 22102-4215
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May 17, 2013

VIA EMAIL TO jackie.henderson@alexandriava.gov

Mayor Euille and Members of City Council
City Hall
301 King Street, Suite 2200
Alexandria, VA 22314

RE: Sewer Ordinance

Dear Mayor Euille and Members of City Council:

On behalf of my client, Carlyle Plaza, LLC, I am requesting that City Council set March 1, 2014 as the date by which projects must submit a final site plan to be vested under the existing sewer connection fee. The proposed sewer connection fee increase for multifamily residential units from 50% to 90% of the single-family rate dramatically increases the costs for projects with existing DSUP approvals.

As you know, on June 16, 2012, Carlyle Plaza obtained City Council approval of DSUP 2011-0031 for a large mixed-use development with residential and office uses integrated with ARenew facilities. Carlyle Plaza has submitted a final site plan for one of the four buildings approved in the DSUP. The existing DSUP contains public benefits which were negotiated when the sewer connection fees were significantly lower than the proposed fees. By increasing the proposed fees after DSUP approval and not providing enough time to file for a final site plan, the proposed increase jeopardizes the viability of the Carlyle Plaza future phases.

Carlyle Plaza's extensive coordination and cooperation over the past several years with ARenew: 1) enabled ARenew to provide a full size soccer field above its western plant facilities which are now under construction; and 2) enabled Carlyle Plaza to provide significant public open space connecting the soccer field to the African American Heritage Park and City bicycle trail system. If the proposed sewer rates were in place prior to the DSUP approval, Carlyle Plaza could not have agreed to the many public benefits currently set forth in the DSUP.

Therefore, in order to ensure the continued viability of the project and avoid the necessity of amending the existing DSUP, Carlyle Plaza requests that you set the date for the sewer connection fees increase to March 1, 2014. This date will enable Carlyle Plaza to obtain the requisite DRB approvals and prepare and submit a final site plan for the remaining buildings with all the public amenities agreed upon during the DSUP approval process.

The final site plan requires a high level of architectural detail, requiring almost 50% schematic drawings from the architectural team, which takes substantial time to properly prepare. The Carlyle Plaza team has worked diligently and consistently since its June 2012 DSUP approval to obtain DRB approval and submit its first final site plan submission for the first building in the four building plan. It has taken a significant level of investment and commitment to bring the plan to this stage. The date of September 1, 2013 jeopardizes this project, which has many benefits for the City.

Therefore, we request either of the follow two edits to the final ordinance:

Option 1

Section 5-6-25.1(a)(2)

For each multifamily dwelling, an amount equal to the product of the number of dwelling units in the multifamily dwelling, multiplied by ~~\$3,716~~ \$4,201. For all final site plans submitted on or after ~~September 1, 2013~~ March 1, 2014, the amount shall be increased to 90 percent of the single family dwelling amount.

Option 2

Section 5-6-25.1(a)(2)

For each multifamily dwelling, an amount equal to the product of the number of dwelling units in the multifamily dwelling, multiplied by ~~\$3,716~~ \$4,201. For all ~~final site plans submitted on or after~~ Development Special Use Permits approved by September 1, 2013, the amount shall be increased to 90 percent of the single family dwelling amount.

We look forward to discussing this request with you at tomorrow's public hearing.

Sincerely,

Kenneth W. Wire/ gec

Kenneth W. Wire

SPEAKER'S FORM

DOCKET ITEM NO. 14

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Jonathan Rak
2. ADDRESS: 1750 Tyrans Blvd
TELEPHONE NO. 703 712 5411 E-MAIL ADDRESS: jrak@mcquive woods.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Carlyle Plaza, LLC
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: _____ OTHER: Request Amendment
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.