

Jackie Henderson

6
5-17-14
submitted by
Jennifer Atkins

From: Jennifer Atkins <jennifer.atkins@cloudigylaw.com>
Sent: Friday, May 16, 2014 3:20 PM
To: Jackie Henderson
Cc: Judy Coleman
Subject: Park and Recreation Commission Letter to Council
Attachments: 2014 05 16 PRC Letter re Cameron Park FINAL.pdf



Jackie:

Please see the attached letter to City Council on behalf of the Park and Recreation Commission. As you will see, this letter relates to Docket number 6 for tomorrow's public hearing, the DSUP for Cameron Park. Thank you.

Jennifer

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**DEPARTMENT OF RECREATION, PARKS
AND CULTURAL ACTIVITIES**

1108 Jefferson Street
Alexandria, Virginia 22314

James B. Spengler
Director

Phone (703)746-4343
Fax (703)746-5585

Park and Recreation Commission

May 16, 2014

Mayor William Euille
Vice Mayor Allison Silberberg
Councilman John Taylor Chapman
Councilman Timothy B. Lovain
Councilwoman Redella S. Pepper
Councilman Paul C. Smedberg
Councilman Justin M. Wilson

Re: Cameron Park DSUP Condition 14

Dear Mayor Euille and City Council Members:

The Park and Recreation Commission strongly urges you to amend Development Condition 14 of the Cameron Park DSUP to return it to language previously agreed upon by the Department of Recreation, Parks and Cultural Activities (RPCA) and Department of Planning and Zoning (P&Z) staff and the Cameron Park developer on May 5, 2014. We are deeply concerned about the substance of the Condition as drafted, and the precedent it sets for future development contributions, civic engagement, and open space in the City.

Condition 14 as approved by the Planning Commission and presented to you is the result of an eleventh-hour unilateral revision that was proposed publicly for the first time at the Planning Commission's May 6 hearing, in what P&Z staff has since told the Park and Recreation Commission was a "flawed process" that was "highly unusual" and "not our standard practice." Indeed, that process was inconsistent with Alexandria's civic engagement policies, and the result of that flawed process is entirely inconsistent with the original reason for the condition. To allow the language to stand would be to divert a \$100,000 contribution tied to mitigating increased demand on Armisted L. Boothe Park, and deposit it in a fund for undefined "neighborhood enhancements" to be determined based on the recommendations of neighborhood residents, without regard to the park, or even to open space at all and outside the public process. This is unacceptable, and, given the timing of the revision, the situation can be remedied only by the action of the Council.

The Cameron Park proposal if approved will add 36,000 square feet of retail space and 457 housing units – 66 townhomes and two multi-family buildings with a total of 391 units – directly adjacent to Boothe Park. That means upwards of 1,000 new residents, plus their friends and visitors, plus the retail customers, will be making use of a park whose maintenance funding has just been cut across the board. As you know all too well, RPCA had to lay off numerous staff to meet its budget cuts, and Council just approved staggering fee increases, practically overnight, for RPCA's programs to help close general fund budget gaps. Meanwhile, Boothe Park will be advertised as an amenity to Cameron Park homebuyers and retailers, returning dollars to the developer without a penny to address the park itself.

This is not the first and certainly not the last development in the City that will present these issues. As density in Alexandria increases through development, demands on our park and recreation facilities will also increase. City residents need to know that the parks will be protected and maintained for the future, and that the City's planning

(continued)

processes take those needs into account. This is particularly true when it comes to our large parks, which serve the entire city, not just the immediately surrounding neighborhoods.

At your June 11, 2014 meeting, you will review the Citywide Parks Improvement Plan, which is a comprehensive plan for addressing capital improvement needs at our large (i.e., “citywide”) parks to address rising density. Boothe is one of those parks. We provide some background on that process here to clarify just what is at stake in Condition 14, both in and of itself, and as precedent for future development in the City.

The Citywide Parks Improvement Plan was initiated in the summer of 2012 to identify current and future park and recreation needs with respect to safety, connectivity, open space, and programming, among other considerations. Based on those needs, the Plan would establish coherent and coordinated plans for improvements that could accommodate increased demand on our large parks. The process was time- and resource-intensive. Between June 2012 and January 2014, RPCA collected community input through surveys, workshops, community meetings, and public hearings. In January of 2014, the draft plan was released to the public, and RPCA gathered still more public feedback. RPCA then presented the plan to both this Commission and the Planning Commission. This Commission held a public hearing on the plan and ultimately endorsed it on April 10, 2014. We did so enthusiastically, and expressed our deep appreciation for RPCA’s hard work over this extended period of time.

The Citywide Parks Plan was intended to address situations just like this one. It provides comprehensive, community-based planning so that when capital funds become available, they can be put to use toward established goals, prioritized and implemented through the Capital Improvement Program (CIP) process as efficiently as possible. With the City facing perpetual deficits for five years out, and RPCA absorbing a disproportionate share of the cuts this year in particular, contributions from developers are likely and potentially one of the only sources of funding that can go toward implementation of the plan. And it bears mentioning that a number of the changes identified in the plan are designed to address safety concerns that affect current residents, not just future ones.

Cameron Park is a major step forward in much-needed development in the West End. And in recognition of the scope of the project, the City and the developer have understood from the beginning that impacts to the park would need to be addressed. The very first concept plan submission on January 31, 2013, recognized that “the applicant should anticipate a contribution of resources related to both capital improvements and ongoing maintenance of Boothe Park.” The second submission reiterated that “intensification of use by new residents/visitors of the adjacent Boothe Park is expected.” And so it went, ultimately with a condition added on March 26, 2014 for a \$100,000 contribution from the developer “to mitigate significant intensification of use associated with use by the new residential and commercial development.” While the specific language changed over time, the condition consistently made clear that the use of the funds was to be determined through the CIP for park improvements.

On May 5, 2014, the day before the Planning Commission hearing on the DSUP, representatives of RPCA, P&Z, and the developer agreed that the following language would be presented to the Planning Commission for Condition 14:

The applicant shall provide a voluntary contribution of \$100,000 to be allocated towards neighborhood public space enhancements in the area south of Duke Street, east of Van Dorn Street, west of Holmes Run, and north of the rail tracks, with priority given to proximity to the project area. The specific projects to be funded will be determined through consultation with the community as part of the Capital Improvement Program decision making process. The contribution shall be provided to the City and deposited into a designated account prior to release of the multifamily final site plan.

But at the Planning Commission meeting the very next day, on May 6, 2014, P&Z proposed a revision to that language deleting the reference to “public space” and replacing the reference to the CIP with a reference to some other, more nebulous process:

The applicant shall provide a voluntary contribution of \$100,000 to be allocated towards public neighborhood enhancements in the area south of Duke Street, east of Van Dorn Street, west of Holmes Run, and north of the rail tracks, with priority given to proximity to the project area. The specific projects to be funded will be determined through a meeting of neighborhood residents convened by Planning and Zoning staff within 90 days of the receipt of the contribution and the selected projects will be reported to the Planning Commission and City Council. The contribution shall be provided to the City and deposited into a designated account prior to release of the multifamily final site plan.

Starting at page 103 of the Staff Report presented to you is a set of documents that explain the change. The documents show that throughout the process, three local residents engaged in separate private negotiations with the developer of Cameron Park. They likewise held separate meetings with P&Z staff and lobbied P&Z staff to remove the funds from the CIP, divorcing the condition entirely from the anticipated increased demand on parks, and instead earmarking it for a project “we have yet to agree upon.” The residents were displeased with the May 5 language quoted above and objected. Their objection was presented to the Planning Commission, along with a recommendation from P&Z to amend the language to meet their demands. As a result, what the Planning Commission approved is the language quoted immediately above – not the language to which RPCA agreed, or the language that was provided publicly in advance of the Commission meeting.

To summarize, without notifying RPCA, P&Z staff unilaterally changed the language of Condition 14 at the May 6 Planning Commission hearing, and the result is that \$100,000 will be disbursed according to a separate process whereby “neighborhood residents” and P&Z would decide on some unidentified project on which to use the money outside of the CIP process, without regard for the Citywide Parks Improvement Plan or to the increased demand on the park that was the initial reason for the condition.

To say that this process is unusual is an understatement. As you know, the City’s Civic Engagement Policy seeks “consistency across City departments, Boards and Commissions in the application of civic engagement principles and process” to establish “confidence in the equity of the public decision making process.” To that end, the policy specifically discourages the kind of small, non-public meetings that occurred here between three citizens and P&Z staff. Discouraging these kinds of small meetings “avoids multiple conversations on parallel tracks that are difficult to bring together” and encourages “clarity and transparency.” The City specifically recognized that the kind of small non-public meetings that happened here create “opportunities for special interest groups to exert outside pressure and influence.” That outside pressure and influence certainly occurred here and should not be allowed to stand.

The Park and Recreation Commission is extremely troubled by what happened here. The City has identified several things for which it will seek developer contributions, including some by legislating standard contribution levels. Park and recreation services must be among those things, particularly now that there are no longer dedicated open space funds. The Park and Recreation Commission understands that RPCA is developing recommendations regarding standardized contributions for open space and parks. We are encouraged by that development, and with this experience in mind, will take up the issue at our next meeting and thereafter make recommendations to Council.

We appreciate your attention to this unfortunately urgent matter and urge you to amend the condition to the language agreed to on May 5.

Sincerely,

Jennifer Atkins and Judy Coleman, Co-Chairs
Park and Recreation Commission

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5-17-14

Gloria Sitton

From: Justin Wilson
Sent: Saturday, May 17, 2014 12:28 PM
To: Gloria Sitton
Subject: Fwd: Docket Item 6/Condition 14

*submitted by
Councilman Wilson*

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

fyi

Justin M. Wilson, Member
Alexandria City Council
Office: 703.746.4500
Home: 703.299.1576
justin.wilson@alexandriava.gov

Begin forwarded message:

From: Justin Wilson <justin.wilson@alexandriava.gov>
Date: May 16, 2014 at 10:34:22 PM EDT
To: William Euille <William.Euille@alexandriava.gov>, Allison Silberberg
<allison.silberberg@alexandriava.gov>, Del Pepper <Del.Pepper@alexandriava.gov>, Timothy
Lovain <timothy.lovain@alexandriava.gov>, Paul Smedberg
<Paul.Smedberg@alexandriava.gov>, John Chapman <john.taylor.chapman@alexandriava.gov>
Cc: Rashad Young <Rashad.Young@alexandriava.gov>, Faroll Hamer
<Faroll.Hamer@alexandriava.gov>, James Spengler <James.Spengler@alexandriava.gov>
Subject: Docket Item 6/Condition 14

Colleagues,

As you now know, we have received a letter from the Parks & Recreation Commission and the Cameron Station Civic Association regarding Condition 14 on Docket Item 6 of the tomorrow's docket.

In order to prevent a lengthy discussion of the issues behind this condition, I have worked with both sides to craft some alternative language that is acceptable to the Commission (by way of Jennifer Atkins, Co-Chair), the Association (by way of Don Buch, President) and the applicant (by way of Ken Wire, Attorney).

Neither the Association nor the Commission is particularly excited by the new version, but they're both willing to accept it to bridge the gap that has developed.

Let me know if you have any questions.

CONDITION AMENDED BY PLANNING COMMISSION: The applicant shall

provide a voluntary contribution of \$100,000 to be allocated towards public neighborhood enhancements in the area south of Duke Street, east of Van Dorn Street, west of Holmes Run, and north of the rail tracks with priority given to proximity to the project area. The specific project or projects to be funded will be determined through a meeting of neighborhood residents convened by Planning and Zoning staff within 90 days of the receipt of the contribution and the selected projects will be reported to the Planning Commission and City Council. The contribution shall be provided to the City and deposited into a designated account prior to release of the multifamily final site plan.

*(P&Z)

Revised:

The applicant shall provide a voluntary contribution of \$100,000 to be allocated towards infrastructure or programmatic improvements at Armistead Boothe Park or Ben Brenman Park. The specific project or projects to be funded will be determined through a meeting of neighborhood residents convened by Planning and Zoning and Recreation, Parks and Cultural Activities staff within 90 days of the receipt of the contribution and the selected projects will be reported to the Planning Commission and City Council. The contribution shall be provided to the City and deposited into a designated account prior to release of the multifamily final site plan.

*Cameron Station
Lincoln Park*

Justin M. Wilson, Member
Alexandria City Council
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88. A registered Homeowners' Association (HOA) will be formed for the townhouse portion of the site. The HOA will request approval from the Director of T&ES to opt out of City approved trash and recycling collection to allow for privately contracted collection. The point of collection shall be as agreed upon between the owner and a private collector duly licensed, provided that such point shall not be on a public right-of-way and shall not hinder or interfere with parking, traffic or pedestrian. All trash collectors for the project site are required to take their collected trash to the Alexandria / Arlington Waste to Energy facility.

SPEAKER'S FORM

DOCKET ITEM NO. 6

**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: Kenneth W.ire
2. ADDRESS: 1750 Tysons Blvd Suite 1800 Tysons, VA
TELEPHONE NO. 703-712-5362 E-MAIL ADDRESS: kwire@mayor.gov
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Applicant
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____
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 X 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.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.