



LPCA General Meeting Minutes - March 13, 2019 - FSK School Cafeteria

Preliminaries:

- Pledge of Allegiance
- Roll Call of Officers Present: Matt, Kate, Sarah, Ginny, Justin, Caitlin, Brian, Damien, Will, Jessica, John
- New Neighbor Introductions: 0
- Treasurer Update: \$58,636.27 in main account; \$3,697.02 in Dog Park.
Membership: ~65

Approval of previous minutes: January & February 2019 minutes reviewed.
Motion to approve as presented, seconded. Motion passed unanimously.

General Updates

Communications/Newsletter: Website has now been updated with current minutes from past meetings, thanks to our new website coordinator Steve Larson - contacts@mylocustpoint.org if interested, or to sign up for our email list. Also like us on FB - Locust Point Civic Association.

Education/Schools: John (PTO) - Friday was Pastapalooza, appears to have made ~\$14K for school, with over 300 attending sold-out event. We can sign you up for Harris Teeter VIC. June 6 is golf tourney with Fed Hill Prep, let us know if you want to play. Enrollment is up this year.

Safety:

Comment: 1100 block of Cooksie has become very dangerous with UA lot moving to pay parking, with speeding, running stop signs, pulling sudden U-turns, and other dangerous maneuvers. Someone is going to get hurt. Parking lot doesn't appear to have monthly option except through the app, and daily fee is \$12, so lot is not filling up. 1st 3 blocks between 7:30am and 9am. How do we get safety and traffic enforcement? Can we get Harbor Connector moved over to Anthem House or somewhere more able to handle the volume?

A: This has been an ongoing discussion with UA, LPCA, Mayor, and Councilman Costello. 3 ways to go about traffic control - approach UA to donate it, ask city, or create it on our own. Please try to document the problematic behavior on video so we can make our case. We need as much documentation as possible.

Officer - We can do a traffic initiative, get it started by speaking to supervisor at Southern.

Comment: Also worth reaching back out to UA and parking management company.

Comment: UA has been willing to work with us in the past on these issues. Another problem now is there are a lot of pedestrians walking in the streets instead of on sidewalks.

LPCA will form task force on this issue - please reach out to contacts@mylocustpoint.org.



Committee Reports

Design Review:

- Liquor license (Class D beer & wine) transfer application was put in for previous Our House license. LPCA has not heard from applicants.
- Woodall project update later in agenda.

Dog Park:

- No update. We are having trouble finding a contractor to clean the park, if you have any leads.

Parks & Beautification:

- April 27, 9am - 12pm is community-wide cleanup in concert with Earth Week.
- May 18, 9am is Spring park maintenance day.
- April 6, 10am - community shred day for paper, with ability to destroy hard drives for \$5 each. Location will be at Fort and Andre.
- April 13 - community dumpster will be located at Fort and Andre for 4 hours. Will share time.

Social:

- Planning neighborhood event on Tide Point promenade on May 17, from 6pm - 10pm. Will have DJ, porta potties, and drinks. Stay tuned for updates.

New/Old Business

Woodall/Stevenson Development Update/MOU:

- We've been in negotiation for almost 2 years regarding property on Woodall and Stevenson. Lately, we've had a 4th mediation session, which resulted in an agreement in principle that was to be codified as a Memorandum of Understanding (MOU), which would be made a deed restriction on the property. The developer has proposed 2 concepts - one is mixed use residential without a zoning change, which the BMZA approved. The other is mixed use commercial with office and retail, but they want to span the commercial use across both properties they've purchased, which are not both zoned commercially, so a zoning change bill is needed. We are close to an agreement on the MOU but have some outstanding disagreement, but the intent was for LPCA to vote on a final MOU draft tonight.
- Developer has been mostly concerned with preserving a minimum square footage numbers. On Feb 18, an agreement in principle was reached verbally, at which point lawyers from each party coordinated revisions of the MOU back and forth to attempt to finalize it. We are not yet at an agreement that LPCA or Domino/ASR can sign. The last version given to us was labeled by developer as "Best and Final Offer". The key difference is on square footage; the developer wants 62,500, while the neighborhood wants 57,500 usable square feet.
- Subsequent to the "BOFA", more phone calls occurred today and the developer agreed to reduce to 60,000 usable square feet. We were hoping to have an agreeable MOU to present to neighborhood tonight, but we are just not there yet. LPCA has been diligently negotiating in good faith throughout the effort, and has put many hours into responding to drafts.
- There are also unresolved issues in the MOU between the developer and Domino/ASR, and they also don't have agreement.
- March 20 is the next council Land Use hearing on rezoning bill, which was delayed several times to allow negotiation to happen.



- Overall framework that we entered negotiations at behest of our councilman, were restarted in December in earnest negotiations after the developer had walked away from the table the second time. We have made an incredible amount of progress, but as with any negotiation there's a lot of back and forth, and the community has done everything the developer has asked of us regarding meeting their desired timing. We find ourselves in a position where there are 5 major criteria not being met - square footage, parking, construction controls, Domino's considerations, and the details of the homeowner's agreement. On every one of those major points, the community has given in far more than the development team has. From the very beginning, the community has been opposed to a building of this scale. The latest design concept is still a huge building but moves the bulk furthest away from residents on the site. The next issue is parking, which was originally all onsite, but they are now pursuing a mixed offsite option, however the details of which have not yet been resolved satisfactorily. Community asked for parking to be moved within a 1/4 mile, which was agreed to, but community had already given on onsite parking earlier. Construction controls - this is a unique project and causes unique risk. On homeowner agreement, the draft we developed wasn't delivered quickly enough according to the developers. This artificial deadline that we have should not penalize the community, and a zoning hearing can be delayed further. I am opposed to endorsing this plan is because it fails on these key criteria, and I don't think we should vote on it tonight.
- Q: Can we clarify that the deadline was tonight and was set by the councilman?
A: Yes, the bill is scheduled to be heard March 20, and the community will not get together again before then. Our understanding is that the councilman can postpone the bill.
Q: Will you delay the hearing, Councilman?
Councilman Costello: I am still just listening, and have not formed a position yet. Couple points of clarification - deadline set was agreed to during our sets of negotiations by all parties. We have postponed already on several occasions already. The draft that was provided at 5pm yesterday, is very little different from the previous 8 versions that were circulated. There were 6-7 points not agreed upon, but were identified earlier and have been on the table for discussion.
LPCA: Got another verbal offer today beyond what was in "BOFA" MOU, which would need to be codified and circulated.
Councilman Costello: I called developer today and asked them to meet community in the middle on square footage, and he agreed that any LPCA support tonight was contingent on his working with Domino.
Task Force member: The very first time we met, you said if we don't come to agreement, you will pull the bill. We haven't reached agreement, so why are you now unwilling to pull or even postpone it? We don't have another community meeting for another month, we negotiated in good faith, and can't be held responsible for not meeting this deadline.
Councilman Costello: I made it very clear I haven't committed to anything. Considerable effort has been put forth and considerable progress has been made. I genuinely believe a residential option at that site is the worst option for the community and Domino. I'm not making any commitments, i'm here to listen to what the community has to say.
LPCA: Councilman has held the bill so far. He can however send it forward if he wishes. We appreciate that, but our question is, what is the drawback of getting these last sets of issues resolved, and postponing for another month?



Councilman Costello: I'm not judging the merits of either scenario. I clearly have not decided, and have repeatedly brought the developer back and forced them to make concessions. These aren't exactly what the community wanted, and I am not passing judgement on whether it's been enough.

Q: For those of you that have been involved in the Task Force, do you think it's possible to reach agreement in a month? 57,500 was the number we all agreed.

LPCA: Yes, but we need to get it down on paper before voting on it. There are basic agreements that have been made that aren't being honored by all participants, but we think we can breach the gap.

Q: Is there a way we could empower community association to move ahead if they meet on paper what has been proposed verbally.

A: Not comfortable having a vote tonight. There is a lack of clarity to all of this where we've asked questions and have not been given answers, such as gross square feet, parking details and longevity, and others. We've made incredible progress, but would be very hard to wrap everything up in 7 days with a special meeting. Special meetings must be called by written request of at least 25 members, with at least 3 days notice.

Q: If this doesn't go through, can the developer switch to a residential project?

Councilman Costello: They have 2 options - seek rezoning which is what we're considering tonight, or build as a matter of right 5 stories of office with 4 stories of residential above that on Woodall portion.

Q: Will brought up 5 big points we don't have answers on, and we don't even have renderings, how are we going to resolve this? Did latest verbal proposal address all 5 items.

A: Dan Goodier (developer) called LPCA and asked if he should come to meeting, which was predicated on the fact that we didn't have an agreement but were close, but we advised him not to since we had nothing explicit to share.

LPCA: At conclusion of last negotiation session, we had agreement on several key things, but there were also 8-10 that were unresolved and required more research and negotiation. There was a lot left in flux. The Councilman mandated that all further communications were only between the lawyers representing each party. Every version of the MOU presented new findings, some positive, some negative, but overall there were a lot of changes.

Task Force member: On parking, they had said the whole time they would be all onsite, then at the last meeting raised the possibility of offsite parking in a dedicated lot they would own with a deed restriction. The MOU draft they finalized has loosened this to a leased lot with no minimum lease duration, which is a significant unacceptable change from initial proposal.

Option 1 - vote on current agreement, which doesn't seem like good idea.

Option 2 - empower task force to finalize negotiation on communities behalf, which doesn't appear to abide by our bylaws.

Option 3 - with Councilman's agreement to postpone further, we work out negotiations.

Q: Why is BMZA-approved mixed-use residential concept the worst option?

Councilman Costello: This takes the site from daytime use to 24h use, and has more detrimental effects on Domino's operations.



LPCA: It's in developer's best interest to have a commercial option, and to close negotiations sooner rather than later. All he had to do was reach agreement with us.

Q: Are we expected to vote on "BOFA" tonight?

Councilman Costello: The hope was we would have agreement in principle, the task force would endorse it, and the community would vote to support. We clearly aren't at agreement in principle yet.

Q: Is Councilman obligated to put the bill forward?

A: No.

Peter O'Malley (Domino/ASR): We've been with LPCA from beginning on this, it's been a lot of time, and negotiations have gone well. People have worked hard on it and lot of progress was made, getting very close. We think it would be shame because of an artificial deadline to throw this progress away.

Motion: Move that LPCA asks Councilman Costello for another 30 days on the hearing in order to finalize the negotiated MOU; seconded. Motion carries unanimously.

LPCA: Regarding next steps, the Councilman could propose similar restrictions as the MOU in zoning legislation if he moves it forward without an agreement, but that doesn't provide the same protection or rights for community. We need to be prepared to get to city hall and oppose.

Motion to extend meeting past 9pm; seconded. Motion carries unanimously.

Q: Can we have emergency meeting on Sunday and get something in place?

LPCA: We're not going to get to 100% by Sunday, but more likely to 60,000 SF and something Domino can get behind. But community will need to vote up/down, and task force leadership won't be 100% behind, more like 60%. Also if we have a special meeting, we must have 25 present at the meeting for a quorum.

Peter (Domino/ASR): Domino is a small part of this MOU, of 35 paragraphs, our considerations are covered in like 5, and we are asking for very little.

LPCA: We don't want to react to an arbitrary timeline, and rush it through and miss something important.

We can call a meeting now and only go through with holding it if the committee feels we have agreement.

If 25 people want to call a special meeting, please come up and sign paper.

[25 signatures of current LPCA members were presented on a written request calling for a special LPCA meeting to be convened on Monday, March 18, at 7:30pm, to address a vote on a finalized MOU regarding the proposed development at 1401 Woodall St.]

Special Meeting was called.



Matt, Mike, and other board members cannot attend.

Motion: Move to table this issue until the special meeting; seconded. Motion carries unanimously.

Q: How will details of meeting be announced?

A: Email and via LPCA facebook.

Q: How late would a cancellation happen?

A: By Saturday. MOU will be attached to any announcement if going forward.

2019-2021 LPCA Board Nominations

- **Motion: Move to create a committee to nominate candidates for the board; seconded. Motion carries unanimously, committee is formed of Matt, Kate, and Sarah.**

We have at least 1 non-returning vacancy on the Board.

Community Announcements

- FSK needs LPCA Letter of Support to get grant for fund to maintain front area of school.

Motion: Move that LPCA writes a letter of support for FSK; seconded. Motion carries unanimously.

Motion: Move to Adjourn; Seconded. Motion Carries - Adjourned 9:20pm