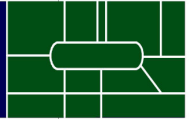


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May 22, 2018

Mayor and Chapel Hill Town Council
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Re: Ephesus-Fordham Code Modifications – 60-Day Grace Period Provision

Dear Mayor Hemminger and Council Members,

We ask that you approve the resolution that provides a 60-day grace period to allow for projects that have invested substantial time and financial resources in pursuit of development plans that are predicated on the existing code provisions. While several of the modifications proposed in the adoption of the Design Guidelines are beneficial to projects underway (i.e. new street types), others impose substantial financial impacts (building massing limitations & vertical stepping).

The predictability of the Ephesus-Fordham FBC was a key element upon which the support of the property owners and development community based their initial support when the FBC was first adopted. While the Town's continued pursuit of perfection in the design of buildings and the urban streetscape have beneficial aesthetic effects, it also layers additional costs onto the development and end users and adds uncertainty into the process.

The code revisions being considered tonight would mandate additional building massing restrictions including limitations of 70% for upper floors which would have devastating impacts on our project. Increasing the building height is not an option since it would involve changes in construction types that compromise the financial performance requirements of the project.

We have been working diligently and at great expense to design the project to (a) phase in a way that recognizes construction processes to take place in a realistic manner, (b) maximize tax revenue for the Town through the continued operation of the Quality Inn in the interim, (c) provide for early vetting with Staff and CDC on thirteen different essential Design Alternatives and, (d) satisfy the requirements of the FBC to the greatest degree practical.

Our submittal today includes placeholders for future buildings and specific floor areas predicated on the current FBC. However, as recently as last week we were told by the Town that our phased approach would not entitle the project to the densities and floor areas we have discussed all along without the full detail of the future buildings. Unfortunately this situation

creates the perfect storm for our project. We are unable to design the future buildings to the level of detail at this time without knowledge of the final end tenants or their architects and we are at risk of additional “soon to be adopted building design requirements” that compromise the feasibility of the project. We can however design to a level that we believe provides sufficient certainty but would need at least 60 days in order to do so.

We are now in month 26 of our planning process and have worked in good faith with the Town to get to this point. We cannot stress enough how extraordinarily expensive and exhaustive the process has become and that the complexities and changes to the FBC requirements undermine the predictability that was promised in 2014. We respectfully ask again that you approve the FBC modification to include a provision that allows for a 60-day grace period for projects that have invested so much, to submit with the FBC version under which they have been planned.

We thank you for your consideration of this request.

Best Regards,

A handwritten signature in black ink that reads "Scott T. Murray". The signature is written in a cursive style with a prominent underline under the name "Murray".

Scott Murray, RLA