

27 July 2007

Ms. Jackie M. Henderson
City Clerk and Clerk of Council
Room 2300, City Hall
301 King St.
Alexandria, VA 22314

RE: Edmundson Plaza: consideration of a request for vacation of a portion of 206 Reinekers Lane.

Dear Ms. Henderson,

Pursuant to the authorization given to Mayor Euille by the City Council at its meeting on 16 June 2007, we the undersigned, together with Mr. William Brandon, were appointed viewers to view the property located as stated above and determine whether we believed the public would experience any inconvenience or harm resulting from discontinuing and vacating the public right-of-way use of the property.

We have viewed the property and determined that the vacation and discontinuation, with conditions as stated, would not cause the public any inconvenience. In fact, we believe this project to have significant benefit, providing quality commercial development near public transit, preserving a 100-year-old building, and the dedication of nearly 8000 square feet of public open space, maintained at private expense. The conditions we might have considered are already stated, including brick sidewalks, pedestrian-oriented lighting, and open public access to surface-vacated property. We agree with the Planning Commission and City staff recommendations for the approval.

Mr. William Brandon has some concerns with the process associated with this vacation. He will provide his observations and recommendations under cover of a separate letter.

Please contact us if you have any questions.

Sincerely,

Mr. Dennis L. Jones, P.E.
Chair
608 South View Terrace
Alexandria, VA 22314
(703) 684-2032

Mr. Tom Welsh
2100 Mt. Vernon Ave.
Alexandria, VA 22301
(703) 683-2400

CC: Mr. Jonathan Rak, Esq.
Mr. William Brandon.

DISSENTING OPINION

We have been charged, as a citizen oversight function, to determine, in our opinion, if “any inconvenience or harm to the public would result from discontinuing and vacating the public right-of-way use of this property”. This question appears mute as the public right of way use of the property is specifically retained as a condition of the vacation. This non sequitur requires me to examine the context of the request and process that brought it about.

The staff acknowledges that the original development request was for an encroachment into the right-of-way rather than a vacation. An encroachment of less than 2.5% of the total lot area seems reasonable and is consistent or smaller than other existing encroachments in the City. This is particularly reasonable because the encroachment would be entirely underground. This request appears to be the best solution yet no reason or discussion of its rejection is given by the staff.

The context of this development that resulted in this request appears to be first driven by the demand to retain a 100-year-old building. As an architectural professional, I agree that this building would have architectural significance in an historic district, but as a stand alone building it is totally indistinguished. Architecturally speaking, a 100-year-old building may be a cathedral or a bicycle shed and appropriate values should be applied. In my opinion, the City streetscape would be enhanced by NOT retaining this building. The implication that this site may have once contained a “negro jail” remains unconvincing as to its historical importance. However, I accept that this is a decision that has been made. My point here is that this decision is extenuated and certainly does not carry overwhelming or significant community agreement.

As a result of this dubious decision concerning the “100 year old building” the developer is building and maintaining 7619 sqft of ‘public space’. Granted, the developer is given in exchange minor set back variances and an increase in FAR that is already common to the area. As a whole, the developer has made significant concessions for the ‘public good’ in this project. Why is this approach being demanded? If there is some unstated legal reason for not granting an encroachment, the needed 910 sqft could be obtained in a like kind exchange for 910 sqft of the 7619 sqft of ‘public open space’ and allow it to be applied to the FAR as normal ownership privileges would allow.

I find the vacation of this property AND THE PROCESS THAT NECESSITATED THE REQUEST harmful to the public good. This process has the appearance of an extortion to fill the public coffers (a price I am sure the developer is willing to endure at this point). In my opinion, this whole process sets a bad precedent of which I am not in favor as it extends the reputation of the City as being unfavorable to development. This is a small example but how is it different in kind from requiring a developer to acquire a whole street, maintain it and pay taxes on it while maintaining it for public use?

I recommend this vacation only if it is a like kind exchange or is transferred and appraised at a value of \$1.00.

William L. Brandon

