

Good morning Mayor Wilson and City Council members. I'm Allan Krinsman and I live at 314 North Fairfax across from this project.

This has become a lost opportunity for the city to keep control and planning over the size, scale, mass, and architectural appropriateness of the upcoming development of an entire large block within the Historic District. What happens now at 301 North Fairfax will be repeated again at 300 North Lee Street and eventually at 333 North Fairfax Street. Modest background buildings are going to be replaced by massive, four story or higher luxury condos. The best I recall hearing anyone say about this proposal is that it will result in a "nice" building. That's it.

The reasonable requests to modify the building design to re-install a working alleyway and a sufficient "view corridor" to the river were met with nothing more than a small adjustment to the placement of a wall, but never a change in the overall mass of the building. In the long run, reducing the size of the building by a few units to accommodate those requests would have been a significant enhancement to the city block, but the requests were dismissed out of hand. The building plans for 301 North Fairfax started with 48 units and nothing less than 48 units was ever going to be acceptable to the developer. And we now know that the city agreed with that on the condition that two affordable units were thrown into the mix. Providing more affordable housing is very important for the city, but 301 North Fairfax was never about a making a meaningful increase in affordable housing.

I note that property owners in the Historic District were recently sent their 2024 real estate assessment notices. Included was a yellow page from the Dpt of Planning and Zoning reminding owners that "the community and the city have worked diligently to preserve the historic resources that create Alexandria's unique character" and that the owners "help to maintain the integrity and character of the historic district." Those are the words of the city government. There's no exception in the document saying that those important principles will not be strictly applied in the case of a major developer wanting to construct the largest possible building that can fit within the site's boundaries. Thank you for your time.

596  
2-24-24

Memorandum to the City Council  
Docket Items 5 and 6  
Saturday February 24, 2024

Since the first of three Board of Architectural Review Meetings last year, citizens have consistently opposed the mass, scale, and architectural inappropriateness of the Hoffman proposal for 301 N. Fairfax. We have done our research and have engaged respectfully but forcefully, pointing out these core problems with this proposal:

- Correct statutory interpretation of Zoning Ordinance Sections 5-301 and 5-305 does not permit this all-residential structure to have greater than a 1.25 FAR. Interviews with citizen appointees to zoning working groups in 1988/89 and examination of their working papers show a clear legislative intent for the CRMU-H zone, first used in 1993, to award the increase from 1.25 FAR to 2.5 FAR ONLY as an incentive to build true mixed use, and to specifically disallow 2.5 FAR for development of only single use properties.
- Even if Zoning Ordinance sections 5-301 and 5-305 DID permit a DSUP granting Hoffman the 2.5 FAR, the Hoffman proposal does not meet the criteria that the City Council is obligated to enforce.
- The Hoffman proposal violates many regulations and almost all the design guidelines provided in the Old Town and Waterfront Small Area Plans.
- The illegal FAR leads to a structural mass, scale and footprint that will overwhelm the Old & Historic District neighborhood upon which it is being aggressively imposed, with a banal modernist architecture that is grossly out of place in this area.
- The size leads to a series of operational problems because it is too large a building for the lot:
  - There is no room for the restoration of the historic alleyway required by the Waterfront Small Area Plan, eliminating the pedestrian permeability required there.
  - With no back alley for service and emergency vehicles, and with no service entrance, the traffic and parking issues will be immense at the corner of Queen and Fairfax. Eighty (80) cars will enter onto Queen at the same place that all postal, Amazon, UPS and FedEx delivery vehicles will double park, where diners line up double parked for Momo takeout, and where resident of 48 units will enter and exit, load and unload, and where all service vehicles and garbage collection will park and take place – right where the city has the awful idea to narrow Queen Street by 8 feet for an unnecessary bus bulb.
  - This will mean all these vehicles will use the already limited street parking that existing residents depend on, forcing us to buy or rent expensive parking located at an inconvenient distance from our homes, reducing home values.
  - The immense size of the Hoffman proposal demands that you slash the crown cover requirement by a whopping 33%, simple because they don't have enough room for the trees our neighborhood needs.

We addressed these issues in written submissions and at three BAR meetings, a Waterfront Commission meeting, a Planning Commission hearing and, as of February 24, two City Council hearings. We personally engaged with the planning staff twice, and with all seven Planning Commissioners. We met twice with the six council members who agreed to meet with us and discuss 301 N. Fairfax.

But the city machinery told us “NO” every step of the way, signaling in so many ways that this proposal was favored from the start, and that our opposition was unwelcome, inconvenient, and stressful for city employees and elected officials. Consider these examples:

- BAR members who feel that 301 is too large, capitulated to the aggressive Hoffman team, because they expect to be overruled by the Planning Commission.
- Waterfront Commission members who were surprised that we pointed out that 301 is situated in that Small Area Plan have no authority to push for compliance.
- Planning staff seem comfortable offering half-truths and outright prevarications when we have raised facts that don’t comport with their favored outcome and need to appease this developer.
  - Staff originally maintained that this property was not in the Waterfront SAP; when our research proved that wrong, they said it was an overlay plan that didn’t matter. When we quoted the plan specifically to the contrary, they changed the subject. When asked how 301 meets the requirement to promote access to the river, they offered the absurd answer that cars exiting the garage on Queen Street meets that requirement. When asked if maps show an existing alleyway on the historic property, they maintained that their research showed none. When we produced a map written in 1865 by Brig. General Montgomery Meigs, an Alexandrian with the Union Army, clearly showing an alley – marked “Alley” – they pivoted with the unsupportable position that only Sanborn fire insurance maps really count as maps, and since these only started being used in the 1880’s, our 1865 map somehow didn’t count.
  - The planning director, himself, preposterously writes - in defense of the 2.5 FAR for 301 - that, because one can walk the mile from 301 to the King Street Metro station, the property is therefore in the King Street Metro enhanced transit corridor – a ridiculous assertion. One can walk for 301 N. Fairfax to Front Royal, VA, but that doesn’t make it close. Is he willing to say literally anything to achieve the outcome he favors? When we applied to him with the prescribed \$500 fee to request his official zoning interpretation, he first sat unresponsively on the request for weeks, and then only responded after a council member encouraged him to do so, but with an incorrect response that included returning our \$500 fee with no action.
- Planning Commission members seemed more interested in acting as Hoffman’s financial guarantor than protecting Old Town. We were told that the downsizing we sought would make Hoffman’s project “non-viable”, that it wouldn’t “pencil-in” for the developer. Since when is it their job to make sure that Hoffman Associates makes money at 301 N. Fairfax? One commissioner told us that garbage collection would not occur outside this building, until we

provided quotes to the contrary directly from the developer's application. The commissioner offered that they don't mind that garbage from a 700-unit building they live near is placed right in sight of their house – a gratuitous comment that is completely moot to the discussion of 301. The Planning Commission Chair is on the record agreeing that his Commission should have planned the block before granting a spot re-zoning to a single developer, but that they just didn't have the time or resources to do their job correctly. Instead, they simply voted to proceed with 301 N. Fairfax.

- Our group completed an overwhelmingly successful 11-808 petition, forcing the City Council to pass the 301 proposal with a supermajority vote on December 16. The Council – having learned that Ms. Gaskins would be absent, and Mr. Chapman was to vote to oppose – unanimously voted to push the session to January 20, giving the Hoffman team the unfair advantage of extra time to lobby council members, propose a minor and cynical change to its plan, and to assure a full complement of seven members, so Hoffman would be more likely to win. It worked!
- We submitted a written request for our attorney – Gifford Hampshire, of the firm Blankingship & Keith – for 15 extra minutes of speaking time at the January 20 hearing, as permitted by the Council's own speaker policy, so he could explain the proper interpretation of the ordinance. That request was summarily denied in an illegal action. The policy is that extra time is permitted with a majority vote of the council members in session. But no vote was ever taken, and, if it was, it was done illegally by not being taken in public. We received the denial the day before the hearing even took place. Why the heavy-handed denial of 15 minutes to speak, when the developer's attorney had unlimited time? Apparently to tilt the result to deliver the favored outcome.
- At the January 20 Council meeting, not one council member legitimately challenged the planning staff or director when they issued non-answers or evasive answers, time after time. It came across to the public as performative artifice. Speakers presented unanimous opposition to the 301 project, until the YIMBY speaker curiously dialed in immediately after a member of the Hoffman team left the Chamber, we assume to make a telephone call.

Citizens have clearly received the message that the city's officials and staff have sent - that, come hell or high water, you intended all along to pass this vote in favor of everything demanded by the Hoffman team, and you were cynically prepared to maneuver the result no matter whatever it took.

That left us no choice but to serve the city, its attorney, the seller of the property, and the developer with a legal complaint we filed in circuit court last week. We hope judicial temperament and intellect will finally mean a clear reading of the zoning ordinance outside the influence of the city government, whose obsequious fealty to developers is shameful and continues to diminish its credibility and legitimacy.

Scott Corzine

SPEAKER'S FORM

DOCKET ITEM NO. 5+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: M Catharine Proskar
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arlington, VA 22201
- TELEPHONE NO. 703-627-1559 E-MAIL ADDRESS: proskar@thelandlawyers.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? 301 N ~~11th~~ Fairfax Project Owner LLC
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.