

[EXTERNAL]Arlandria-Chirilagua Small Area Plan

Anne Turner <anne.turner@gracealex.org>

Tue 11/30/2021 8:39 AM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: Justin Wilson <justin.wilson@alexandriava.gov>; Elizabeth Bennett-Parker <elizabeth.bennettparker@alexandriava.gov>; Mo Seifeldein <Mo.Seifeldein@alexandriava.gov>; Canek Aguirre <Canek.Aguirre@alexandriava.gov>; Amy Jackson <Amy.Jackson@alexandriava.gov>; John Chapman <john.taylor.chapman@alexandriava.gov>; Del Pepper <Del.Pepper@alexandriava.gov>; Nina Bacas <nina.bacas@gracealex.org>

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To the Alexandria Planning Commission and City Council:

We are writing to express our concern about the future of the Arlandria-Chirilagua community, of which Grace Church is a part. This diverse community not only has strong roots in our city, but is also home to many low-income workers who continue to contribute to our economy, many as front-line essential workers during the pandemic. These are workers who have bore the brunt of the pandemic with scant assistance. In addition, this vital community is under threat from gentrification exacerbated by the nearby Amazon HQ2, Virginia Tech's new campus, and other factors.

With the Arlandria Small Area Plan moving through the approval process, we are well aware that the significant changes it will bring to the community could either be important protectors against displacement resulting from gentrification, or it could inadvertently accelerate displacement. We are pleased that the plan specifically prioritizes affordable housing, but we know that there is often a gap between intentions and impact. This plan does not do enough to preserve and expand affordable housing for those earning 40% of the area median income and below.

We urge city leaders to ensure that any new development in the neighborhood has more than a token percentage of deeply affordable housing to meet the needs of low-income families in the affected neighborhood, now and into the future.

We look to the Planning Commission and City Council to study the impact that the Small Area Plan will have on families in Arlandria-Chirilagua. We encourage you to study the economic impact, the projected displacement of current residents, and other likely outcomes to make sure that the plan actually preserves the diversity of this neighborhood and creates housing affordability for the broader neighborhood, both short term and long term.

Thank you for your attention.

Sincerely,

The Rev. Anne Turner, Rector, Grace Church

The Rev. Nina Bacas, Interim Associate Rector, Grace Church

--

The Rev. Anne Michele Turner

Rector, Grace Episcopal Church

I am out of the office on Saturdays and Mondays, and so I will not read e-mail messages on those days. If you need help right away, please contact the pastoral care line at 571-308-3219.

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re: El Proceso del Plan de Área Pequeña de Arlandria-Chirilagua / Arlandria-Chirilagua Plan Process

William Corin <william.corin@icloud.com>

Thu 12/2/2021 1:15 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: Sunny Yoder <sunnyyoder@icloud.com>

[You don't often get email from william.corin@icloud.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Good afternoon,

As a new resident to Alexandria, I appreciate the dynamic nature of this city. One feature of Alexandria that we truly appreciate is the neighborhood focus. While there is wonderful shopping and dining, and a vibrant commercial aspect, there are also wonderfully diverse communities. A community is more than buildings and houses located in proximity. And as had been extensively documented, preservation of green spaces are crucial for environmental reasons. The health of a city's residents is also related to the proportion of land devoted to parks and greenery.

With the above in mind, I have reviewed in some detail the proposed construction plan that will be discussed during the upcoming council meetings. I can't understand why you would use portions of the Cora Kelly school and Armstrong recreational facility for housing. This will literally reduce open space for children and the community to use! Changing the height restriction of the proposed construction and the addition of up to 1000 cars in a small area of Mt. Vernon Avenue will markedly worsen traffic congestion and will materially alter the neighborhood dynamic of this area. People want to live in Alexandria and prices are high. I understand this. Growing the community organically is my strong suggestion. It's crucial. Allowing several out of place tall structures to be shoe horned into the middle of a neighborhood, is the absolutely wrong way to effect urban planning. It's been tried in so many places in this country, and almost always leads to an unsuccessful outcome. My view is not one of NIMBY. It's the opposite. But grow a city organically, incrementally. That's the key.

Ultimately, my question to you is this: 'What's the goal here?' For me it is to enable Alexandria to grow as a multi cultural, multi ethic, multi socio-economic-status city. A city in which there's also a dynamic business community. But fundamentally, it's about the people who live here now and will live here in the future. It is not only about the money and facile compliance with numeric requirements or deadlines.

Our society does not adequately think through the second and third order effects of our policies and actions. We usually only consider the first order consequences of what we do. (Think the war in Iraq.) I therefore request in the strongest possible terms that you look before you leap into this very large project. When it's complete you will complement yourselves on a

job well done. But what about the people who live here?? How would you respond to a project like this in your community?

Respectfully,

William Corin
941-496-1550

re: El Proceso del Plan de Área Pequeña de Arlandria-Chirilagua / Arlandria-Chirilagua Plan Process

Sun 12/5/2021 7:37 PM

To: PlanComm <PlanComm@alexandriava.gov>

You don't often get email from [REDACTED]

I use to volunteer a lot of my time with Casa Chirilague. I love the Latino community. I have long been concerned about Gentrification because I misunderstood it. I support your plan for the building. My only concern is make sure you have enough parking and contrary to what people are saying please PLEASE do NOT try to "match the current neighborhood" look and feel. It look and feels BAD! I use to think if you make an area nicer, it means gentrification must occur. . . I no longer believe this. Do things smartly but don't keep trying to make each new construction match. If you have an ugly couch, don't try to match the rest of your house to this. There is such a large contingency of people that want the neighborhood to not change and to stay a little El Salvadore.

I've lived on Elbert Avenue for TWENTY YEARS and I am tired of the run down look, the unregulated living situations, the poor building. Affordable housing doesn't have to look run down and have no parking. These things attract crime. Affordable housing doesn't to have illegal activity surrounding it but we just accept that in Chirilagua. IT'S TIME TO BUILD. People keep saying Arlandria will get better and I tell them no, it won't. Many times in past decades, the government had plans and it fails due to the push back and the uphill battle. Developers instead cut their loses and move to build in other parts of Alexandria. Arlandria is the dumping grounds where if a business goes out, the building stays empty for decades or the space is filled with undesirable retail establishment whose neon lights looks like it belongs in Vegas. Stop trying to make every new establishment look like the previous. I don't want it to match. The MOM's on Mt. Vernon is something we were so excited about when we heard it was going in and now look at it. It's the most run down looking mom's on the outside of any MOM's in the nation . . . but it matches!!!!?? It's like builders and retailers actually spend money and go out of their way to match in Arlandria to make it look like a dump. If a beautiful brick fence is build along Glebe, it's wonderful but then someone paints it and it looks like the hood - but it matches!!!!?? Please build. Please make stuff nice because sutff here looks like the building in Cairo. And sure, build affordable housing that is "nice" and is "regulated". It doesn't cost much more to make a building look nice. We need a STATEMENT PIECE and the apartment building where the Mom's is, could be that and a place where laws are enforced and provide parking. Right now I wake up every morning to beeping cars because apparently cell phones don't exist and they need to beep until their friends come walking out. I hear loud parties after 8pm and no matter how many times I call, nothing changes. I've been told to leave the neighborhood because this is "their neighborhood" and I don't belong. My neighbor has been told the same. I've been threatened when I ask for my driveway not to be blocked. I hear people living in the Community Lodgings and Presidential Green swearing at me around kids. It's almost always kids 14-22. The adults are not the problem. Kids will be kids but here, that's really bad.

BTW, I am not white and I was born a month after my parents immigrated from Africa. No privilege here. It's not about Latino's at all. My comments apply to anyone. It's the same problems with any culture in a poor community. My point is provide affordable housing but we currently have housing "pits" that have no parking, no noise management and no enforcement when 6 people lives in a one bedroom apartment. So when I hear things from people who want the "**look and feel of Chirilagua" to go unchanged**, I get afraid. I don't want that. I don't want the beige and muddy look. I don't want letters hanging off of signs and everything looking like a poor area. I believe that making an area nicer does not need to mean gentrification. Some people just want a place to look bad so they feel it will be a affordable place to live. Let's make affordable places in Alexandria that are not the hood. In 20 years, nothing has changed. Elbert Avenue feels like the hood. My very first night in my newly bought home 20 years ago I walked out to sirens and was yelled at and told to get back inside my home and lock my doors because a manhunt was underway. Welcome to Elbert Ave!!!

Thank you for taking my thoughts and do NOT MATCH THE CURRENT LOOK AND FEEL OF ARLANDRIA. Start Over. . . please and make a place for true diversity, not just a City for poor people.

While you can post my comments, please DO NOT post them with my name attached..



**[EXTERNAL]12/8/21 - Docket Item #2, Master Plan Amendment #2021-00012-
Proposed Arlandria-Chirilagua SAP**

johnfehrenbach@comcast.net <johnfehrenbach@comcast.net>

Tue 12/7/2021 9:21 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: 'Meagan L. Alderton' <meagan.alderton@acps.k12.va.us>; Gregory Hutchings, Jr.
<Gregory.Hutchings@acps.k12.va.us>

 1 attachments (1 MB)

NRCA-Ltr-to-Planning-Commission re Arlandria SAP - 12 07 21.pdf;

Please see the attached comments of the North Ridge Citizens' Association re the above-referenced matter.

Best regards,

John Fehrenbach

202-352-5925

President

North Ridge Citizens' Association (NRCA)

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NRCA, P.O. Box 3242, Alexandria, VA 22302

December 7, 2021

Planning Commission
c/o Department of Planning & Zoning
P.O. Box 178
Alexandria, VA 22314

Delivered Via Email: PlanComm@alexandriava.gov

**Re: December 8, 2021 Docket Item #2, Master Plan Amendment #2021-00012—
Proposed Arlandria-Chirilagua Small Area Plan (“SAP”)**

Dear Chairman Macek and Planning Commission Members:

North Ridge Citizens’ Association (“NRCA”) shares the following concerns regarding the above-referenced proposal for the draft of the Arlandria-Chirilagua Small Area Plan.

1) The purported rezoning of the Cora Kelly Elementary School site violates Commonwealth law.

The Plan (see Figure 7) appears to propose the rezoning of Cora Kelly School and the Armstrong recreation site for mixed commercial-residential-institutional use. As outlined in NRCA’s December 7, 2020 letter to the City (copy enclosed), Virginia law prohibits the planning, construction, and use of housing and other non-education related facilities on school campuses.¹ Further, the law restricts school site use determinations to the School Board. Plus, in numerous public comments on the Joint City-ACPS Facilities Master Plan [and other City proposals], Alexandria citizens overwhelmingly opposed mixed uses with housing at school sites. To our knowledge, no representative of City government—including ACPS or the School Board—has officially provided a written legal opinion that would support such a plan. The City needs to correct this illegal defect in the Plan, and make clear to the public that no funds or City staff time will be spent on such efforts.

2) The City has not adequately accounted for a substantial increase in the number of new students that will be added to the school system with this significant development.

The draft Plan acknowledges that Arlandria’s population has double the average number of children overall (20%) compared to the same population citywide, yet it does not include any meaningful and realistic planning information beyond an assurance that the City is “working with” ACPS on the Cora Kelly renovation. As you know, Alexandria is already dealing with tremendous challenges with school overcrowding, and it is highly probable that other schools may be impacted by a large increase in new residents.

Additionally, given Virginia safety/fire code guidance for elementary schools and the City’s updates to Open Space definitions, it appears that any additional allowances for

¹ The letter also was copied to the ACPS Superintendent of Schools, City Council, Mayor, and City Manager.

height of the school building based on zoning “bonuses” for residential development could potentially reduce the maximum amount of open space available to students.

3) Dramatically increasing density and traffic problems will adversely affect livability and quality of life for all area residents, including North Ridge.

The enormous impacts of the proposed changes are grossly discounted and underestimated. North Ridge objects to the aesthetics of building exceedingly tall and large buildings in the neighborhood, which is presently composed mainly of single-family homes, townhouses, duplexes, garden apartments, and single-story retail with an Art Deco aesthetic. The increased density and sheer numbers of people will materially increase demands on existing green space and require a substantial increase in tree canopies and green space, yet the Plan does not adequately address these problems. Tall buildings may belong in National Landing/Crystal City office parks, but not in this location. The isolated high-rises in this neighborhood stick out and should never have been approved.

Realistically, increased traffic and a demonstrable lack of adequate street parking will ultimately discourage those who rely on private transportation from visiting, or even going near, businesses in the area.

The draft Plan states (p. 67), “The City will evaluate multimodal safety, access, connectivity, and curbside management (such as but not limited to on-street parking) along Mount Vernon Avenue and East and West Glebe Road and implement intersection and roadway improvements as shown in Figure 19.” Removing on-street parking along W. Glebe as part of a future “road diet” will exacerbate existing parking shortages along this road and surrounding streets (*e.g.*, Old Dominion and Brighton Court). Similarly, commuters who use this roadway (including ACPS/Chas. Barrett families) would suffer from the City’s plan to reduce the roadway to one lane in either direction.

4) The Planning Commission should account for why the area from the W. Glebe Bridge to the Dominion Energy property at 907 W. Glebe Road is “to be evaluated as part of future planning process,” according to the Plan.

If the City is contemplating different zoning classifications for this area, it should be addressed in an open, transparent fashion and not obscured. Additionally, if such deferrals in rezoning are allowed by law as part of the Small Area Plan process, the City should similarly defer any zoning/site uses for Cora Kelly Elementary to the School Board.

Thank you for this opportunity to comment.

Sincerely,



John Fehrenbach, President

cc: Alexandria City School Board
Clerk of the School Board
ACPS Superintendent Gregory C. Hutchings, Jr.

Enclosure



NRCA, P.O. Box 3242, Alexandria, VA 22302

December 7, 2020

Alexandria City School Board
Clerk of the School Board
1340 Braddock Place
Alexandria, VA 22314

Re: Use of ACPS Campuses for Housing Projects

Dear Chair Anderson and Board Members:

As you know, the North Ridge Citizens Association (NRCA) has been actively monitoring ACPS plans to modernize the George Mason Elementary School, located in our neighborhood. We are very appreciative of your efforts to involve our community in the planning process and have strongly conveyed our view that the limited space available on the George Mason site needs to be preserved for the core educational and recreational needs of our community. Public support is overwhelmingly galvanized in support of this approach, and City residents have vocalized opposition to colocation of housing on school grounds.¹

Based on meetings held with you and Mayor Wilson in the spring, we were hopeful that there would be a prompt, public decision that no space could be spared for an affordable housing project on the George Mason site. Unfortunately, eight months have now passed and no such assurance has been provided.

We are instead aware that Alexandria City officials are continuing to press ACPS to use school campuses for affordable housing. The Director of the Office of Housing recently informed the community that it is a challenge to find enough land to meet the city's affordable housing needs and that they are accordingly looking for space on school campuses where developers can build and manage housing for those who are income eligible.²

In light of these developments, it is imperative to inform you of the evidence showing that Virginia law prohibits the planning and construction of affordable housing on the George Mason campus, and likely other existing ACPS school campuses. We hope that a prompt review of this legal issue by the School Board's independent counsel will prevent the further loss of time and money spent on the study of City-driven housing projects that cannot be built on school grounds. Otherwise, we are prepared to pursue additional actions that will ensure the Virginia laws protecting school property are enforced, including a review from the Virginia Department of Education. We believe that VDOE – as well as the courts – would prohibit the City's quest to colocate affordable housing on the George Mason site and others because (1) the School Board has exclusive authority to determine what structures should be built on the property; (2) the School Board has no authority to erect affordable

¹ See results of Joint Facilities Master Plan Survey, October 2020.

² 11/19/20 High School Project Open House. The Director of Housing expressly confirmed that the City is not planning to limit occupancy to ACPS teachers. Emails from City staff obtained via FOIA also indicate the conclusion that the Fair Housing Act does not permit such limits.

housing on school grounds; and (3) the School Board has no authority to convey any portion of the site to the City for such a purpose.

As the City's October 2020 report on Affordable Housing and Colocation reveals, *the City failed to identify a single school board in the Commonwealth of Virginia that has ever authorized the construction of a housing project on a school campus*. This finding fully conforms to our understanding of the law, and was confirmed by ACPS staff during a presentation to the George Mason Task Force on December 1, 2020. Virginia School Boards have only been given authority to build and supervise schools, not housing. When City officials urged ACPS to allow housing developments on ACPS campuses at a meeting on January 27, 2020, you correctly told them: "[W]e're not the housing administration, we're the school system."³ We hope that we can help you persuade the city to respect legal boundaries and to stop any campaign to gain control of school campuses to use for affordable housing.

First, the School Board has exclusive authority to decide what structures should be built on the George Mason site. Article VIII, Section 7 of the Virginia Constitution *mandates* that the local school board -- not the City government -- must be responsible for the supervision of the public schools. The Virginia Supreme Court has interpreted this provision to mean that school boards have the *constitutional obligation* "to determine whether a particular property is needed for school purposes and the manner in which it shall be used."⁴ Based on the clarity of this constitutional mandate and the implementing statutes governing the power of Virginia school boards, the City Attorney has already acknowledged that ACPS has exclusive authority to determine what should be built on school sites.

In 2017, the City Attorney issued an opinion explaining that Virginia courts have held that the power to "determine the manner in which school property shall be used is vested exclusively with the local school board" and that City Council does not have "any general supervisory authority over the schools" (p. 1-2). The opinion also concludes (p. 3) that ACPS cannot "abrogate any of its independence with respect to its core responsibilities," which includes the design of the campus. City Attorney JoAnna Anderson also acknowledged at a meeting on January 27, 2020, that the City could not direct ACPS to build housing on school property.⁵ There is simply no dispute that the School Board must decide for itself what to build on the school sites in the exercise of its constitutional mandate to supervise the public schools.⁶

Second, state law prohibits the School Board from erecting affordable housing on the George Mason site. State law and zoning code dictate whether multifamily housing can be erected on existing ACPS school sites. Specific to George Mason, Section 3-302 restricts residential units to single family homes in an R-8 zone. Even if the zoning laws were amended over strong community opposition, however, the School Board does not have the authority to construct affordable housing on this site.

In Virginia, the powers of local school boards are limited by a rule of strict construction called the Dillon Rule. Under this rule, a school board can only take actions that are expressly authorized by state statutes, fairly implied from the text of those statutes, or that are essential and indispensable to the performance of the school board's functions. Actions taken outside the scope of this limited authority are illegal, *no matter how much the City might seek the School Board's help* (see 2004 Op. Va. Att'y Gen. 04-074, which concludes that school board funds may only be used for the "establishment, support and maintenance of schools" and not other public purposes).

³ Alxnow.com/2020/01/28

⁴ *Howard v. County School Board*, 203 VA 55, 58 (1961).

⁵ Alxnow.com/2020/01/28.

⁶ George Mason School is located on a single, undivided 9.4 acre parcel of land. Title is held in the name of the city but state law mandates that the School Board has the responsibility to "control the property of the school division," (VA Code 22.1-79.3), and the "official care and authority of a school board shall cover all territory" within the school boundaries even "when the title to such property is vested in the . . . city" (22.1-125(B)). The entire 9.4 acre parcel has the "legal description" of "George Mason School" in the city's property records and the ACPS 2015 Long Range Educational Facilities Plan describes the George Mason Elementary School "site" as 9.4 acres in size including the tennis courts and fields. (4.20-21).

The Virginia Code directly addresses the power of the School Board to construct buildings. Section 22.179(3) establishes that the School Board only has the power to “erect[] ... *necessary school buildings* and appurtenances.” An affordable housing development is obviously not a “school building” or a “necessary appurtenance.” This express limitation on the scope of the school board’s powers accordingly forecloses ACPS from erecting any affordable housing units.

This reading of the statutory language is further confirmed by Virginia Department of Education regulations. VDOE is required to establish minimum standards for all public school buildings and must approve every school board’s plans for construction (Section 22.1-138, 22.1-140). VDOE Guidelines for School Facilities in Virginia’s Public Schools provide “detailed guidance for the planning and design of local public school facilities” (p.vi) but nowhere make provision for housing in such facilities. The Guidelines emphasize that it is the school board’s responsibility to “develop a specific educational program” and then choose a school design necessary to “carry out the educational program.” The “educational program” for an elementary public school does not require affordable housing on the campus.

This conclusion is also borne out by the long history of public school projects in Virginia. It is telling that the City’s October 2020 report on Affordable Housing and Colocation does not cite a single example of a Virginia school board constructing housing on a public school site. School boards in Virginia do not build housing because their sole power and responsibility is to build and supervise schools. Cities and counties build and supervise affordable housing. The six examples cited as precedent for the City’s proposal to use ACPS property for housing have no bearing on the School Board’s authority to build affordable housing on school grounds under Virginia law. Not only were all of the projects built in other states, at least three of the projects were not built on public school property.⁷ The remaining projects involved teacher housing in two states that adopted legislation expressly authorizing school districts to build housing for teachers on school property. The City is clearly not proposing to colocate teacher housing. Moreover, there is no similar Virginia statute that expressly permits building any type of housing on school property.

The Commonwealth’s own Constitution imposes exclusive responsibility on school boards to supervise schools, not housing, and the implementing legislation expressly limits the school board’s power to the construction of “necessary school buildings.” The fact that some other state with different laws allowed the use of school property for housing has no legal relevance to the scope of a Virginia school board’s authority.⁸ As a Dillon rule jurisdiction, any co-location of affordable housing on school board property in Virginia is illegal under state law.

Third, the School Board has no authority to convey any portion of the George Mason site to the City or developers for the construction of affordable housing. ACPS has repeatedly recognized that it does not have enough land to meet the current needs of the school system, let alone the future needs created by an expanding population.⁹ It is inappropriate and short-sighted for the City to continue engaging in unfounded efforts to press the School Board to transfer control of school property to the City for affordable housing projects. It is not simply bad policy to prioritize new housing units over the future of our schools and our students. It is also foreclosed by Virginia law.

Under Virginia law, the School Board is obligated to “*control* the property of the school division” (Section 22.1-79(3)). This power must be exercised by the School Board and cannot be abrogated by transferring control of the school’s real estate to city officials except under very limited circumstances. Under the explicit language of

⁷ The website for the teacher housing referenced in New Jersey indicates that the housing was built on land owned by a private developer and that the schools in the development are “charter” schools, not public schools. The website for the East Harlem project cited in the report also involves a charter school and housing built on land owned by the city’s housing authority. The teacher housing referenced in North Carolina was built by a private charity on land owned by the county according to published news accounts.

⁸ Three of the six examples involve housing built on public school property in California and Florida. In both states, special legislation was enacted to authorize the construction of teacher housing, but does not extend to affordable housing generally. The third example concerns a yet-to-be-approved project in Florida, which also enacted legislation expressly authorizing teacher housing on school property. See FL Statutes Section 1001.43(12).

⁹ The September 14, 2020 community presentation of the Joint Facilities Master Plan emphasized that “population is projected to continue growing” and predicted the addition of more than 30,000 people by 2040.

Section 22.1-129, the School Board can only convey its real property to the City (or a developer) when the school system has “no use” for the property. That legal requirement forecloses the City’s efforts to colocate housing at George Mason -- and most likely other campuses as well.

The School Board could not possibly determine in good faith that it has “no use” for *any* portion of the George Mason site, or any other campus. George Mason is not large enough for the current modernization project, let alone future expansions. In 2015, ACPS and the City issued its Long Range Educational Facilities Plan and adopted the goal of “meeting the [VDOE] guidelines” governing the size of a campus needed for educational and recreational purposes (p. 3.12). The LREFP emphasizes that the campus must be large enough because it is “important for students to recreate, have access to explore nature, and learn in an outdoor classroom.” This goal cannot be achieved if any portion of the site is devoted to housing. In order to comply with the VDOE Guidelines, *the entire parcel* must be dedicated to educational and recreational space. Under Section 3.2 the School Board should have at least a 10-acre site for an elementary school designed for 600 students (ACPS is projecting 670 students for the 9.4 acre site). In addition, VDOE guidelines emphasize the need to “provide for future expansion” in the planning process and to obtain “additional acreage where possible” in order to “allow for future growth and flexibility” (p. 2, 8). It is accordingly not possible for the School Board to conclude that it has “no use” for any portion of this site.¹⁰ No portion of the property can be conveyed to the City, or to any developer(s) for construction of housing.¹¹

While some City officials are pressing the School Board to help the City meet its affordable housing goals, Virginia law is clear. The “school board may not abrogate its duties or compromise its independence with respect to its core responsibilities” (2011 Op. Va. Att’y Gen. 10-122). The School Board can only use its real estate for “school buildings” and *not* for the provision of affordable housing. It would be incomprehensible for the Board to declare existing property to be “surplus” when there is such overwhelming need for expanded school capacity and ACPS re-opening during the COVID-19 pandemic. Thank you for your consideration and we look forward to working with you.

Best regards,



Chuck Kent
President, North Ridge Citizens’ Association

cc: Mayor & City Council
Mr. Mark Jinks, City Manager
Mr. Gregory C. Hutchings, ACPS Superintendent of Schools

¹⁰ The LREFP was developed to “identify the types of facilities that can best meet education needs over the next 25 years” (Executive Summary at p. 1). There is *no reference* in the LREFP “master plan” to an educational need for public housing on school properties.

¹¹ ACPS acknowledged at a December 1, 2020 meeting with the George Mason Task Force that the Minnie Howard campus is too small to meet VDOE guidelines for the planned enrollment -- even without the allocation of any portion of the site to housing.

Letter Re: Arlandria-Chirilagua Small Area Plan

Larisa Zehr <larisa@justice4all.org>

Wed 12/8/2021 12:19 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: eurrutia@tenantsandworkers.org <eurrutia@tenantsandworkers.org>; imoran@tenantsandworkers.org <imoran@tenantsandworkers.org>; Helen McIlvaine <Helen.McIlvaine@alexandriava.gov>; Mark Jinks <Mark.Jinks@alexandriava.gov>; Justin Wilson <justin.wilson@alexandriava.gov>; Elizabeth Bennett-Parker <elizabeth.bennettparker@alexandriava.gov>; Mo Seifeldein <Mo.Seifeldein@alexandriava.gov>; Canek Aguirre <Canek.Aguirre@alexandriava.gov>; Amy Jackson <Amy.Jackson@alexandriava.gov>; Del Pepper <Del.Pepper@alexandriava.gov>; John Chapman <john.taylor.chapman@alexandriava.gov>

 1 attachments (749 KB)

2021.12.08 Letter to Planning Commission - signed.pdf;

Dear Members of the Planning Commission,

I hope this finds you well. Please find attached a joint letter from Tenants and Workers United and the Legal Aid Justice Center, with reference to the Arlandria-Chirilagua Small Area Plan, Docket Item #2 in the Dec. 8, 2021, Planning Commission meeting.

Please feel free to reach out to me (email: larisa@justice4all.org), or Evelin Urrutia, Executive Director of Tenants and Workers United (email: eurrutia@tenantsandworkers.org) with any questions or concerns. Thank you very much for your time and consideration of this letter.

Kind regards,
Larisa Zehr

Larisa Zehr (she/her/ella)
Attorney, Skadden Legal Fellow
Legal Aid Justice Center
6066 Leesburg Pike Suite 520
Falls Church, VA 22041
Phone: (571) 213-7582
Email: larisa@justice4all.org

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Wednesday, December 8, 2021

Via email:

The Planning Commission of the City of Alexandria

PlanComm@alexandriava.gov

Re: Arlandria-Chirilagua Small Area Plan

Dear Commissioners Macek, McMahon, Brown, Lyle, Koenig, Ramirez, and Manor; Members of the Planning Commission of the City of Alexandria,

Tenants and Workers United (TWU)¹ and the Legal Aid Justice Center (LAJC)² jointly write this letter in support of Chirilagua's low-income community members. For Chirilagua's residents, the outcome of this process is hugely significant: at stake is the future of their community and their ability to stay in the community which they call home. When you consider the Arlandria Small Area Plan, we urge you to ensure that the Plan does all that it can to protect Arlandria-Chirilagua residents from displacement and to preserve and increase deeply affordable housing in this neighborhood.

We recognize and appreciate the City's efforts to involve community members in the development of the Plan. But responding to the need for deeply affordable housing and the preservation of affordable housing requires bolder, more expansive, and more comprehensive public action.

The threat of displacement facing Arlandria-Chirilagua residents is clear, present, and unfolding in real time.³ There is no question that the Amazon HQ2 and Virginia Tech campuses are incentivizing new development in the neighborhood; the question is new development for whom. As community members have consistently stated throughout the Plan's development, Chirilagua residents are very low-income and face an enormous housing cost burden—in fact, the highest housing cost burden of any large metro area in the U.S.⁴ A significant majority of residents are Latinx, thus they also face systemic racism which restricts their economic and housing

¹ Tenants and Workers United builds power in low-income, immigrant communities of color to advance social justice and improve the quality of life in Northern Virginia. We organize and support people to be agents of change in their own lives by addressing the issues they care about. Please see our previous comments on the proposed plan recommendations, on pages 45-47 of the submission to the Planning Commission.

² The Legal Aid Justice Center (LAJC) is a non-profit organization that provides free civil legal assistance and advocacy on behalf of low-income individuals and families across Virginia. We partner with communities and clients to achieve racial, social, and economic justice by dismantling systems that create and perpetuate poverty. Please see our previous comments on the proposed plan recommendations, on page 36 of the submission to the Planning Commission.

³ See Arlandria Chirilagua Plan Draft Plan Concepts, as presented to City Council in City Council Legislative Session, Sept. 28, 2021; Docket Item #2 Arlandria-Chirilagua Small Area Plan at p. 197.

⁴ https://www.cfnova.org/images/communityreports/InsightRegion_UnequalBurden_Copyright2021.pdf at p. 1.

opportunities.⁵ The need for deeply affordable housing, or housing that is accessible for residents earning 40% of the area median income (AMI) and below, is well-documented and acute.⁶

The City cannot undo over a hundred years of systemic inequity in housing at once, but the Small Area Plan is a significant tool to shore up protections for Chirilagua residents. The City has an opportunity to take powerful and innovative action here, and it must. The Fair Housing Act and the City's racial equity commitments obligate the City to take meaningful action to address systemic racism and disparities in housing needs and opportunities.⁷ Under the Housing Master Plan, the City must meet the housing needs of its least affluent residents, which means to prioritize preserving and creating housing for families earning below 50% AMI, and increasing the number of units affordable at 30% AMI.⁸

We ask you to consider the following comments regarding the Plan as proposed:

- **Increase deeply affordable housing in exchange for density and height:** The City should only approve additional density and height where developers make 30% of new units affordable between 30 and 40% AMI. Gaining additional density and height in Arlandria-Chirilagua, in Amazon HQ2 and Virginia Tech's backyard, is an enormous benefit to developers and the City should require a significant public contribution in exchange. Any new development will only serve to gentrify the neighborhood unless it is accessible to current residents.
- **Targeted investment for Arlandria-Chirilagua:** The Plan should guarantee investment in deeply affordable housing that is targeted directly to Chirilagua. Incentivizing new height and density without simultaneously increasing the public and private investment for deeply affordable housing results in gentrification and displacement.⁹ Building more subsidized housing alone will not solve the affordable housing crisis, but protecting and creating deeply affordable housing is significantly more effective at reducing displacement than building market rate units.¹⁰
- **Concrete plans for continued community engagement:** The best way to ensure that the Plan continues to be responsive to community needs is for directly-impacted individuals to meaningfully participate in the implementation. Research shows that community

⁵ According to American Community Survey 2019 5-year Census data estimates, over 60% of residents in Arlandria's census tract identify as Hispanic. In their 2021 study, the Community Foundation of Northern Virginia found that the severe housing cost burden is disproportionately worse for racial and ethnic minorities and for immigrant families.

https://www.cfnova.org/images/communityreports/InsightRegion_UnequalBurden_Copyright2021.pdf at p. 9. These statistics do not incorporate the impact of the COVID-19 pandemic. See <https://www.brookings.edu/blog/the-avenue/2018/11/29/amazon-headquarters-could-exacerbate-existing-economic-disparities-in-northern-virginia>.

⁶ City of Alexandria Housing Master Plan, at p. ix, 26; See The Economic Opportunities Commission Alexandria Community Needs Assessment, 2019, at p. 6-7,

https://www.alexandriava.gov/uploadedFiles/dchs/WebBoxes/EOCNeedsAssessmentReport2019_v2.pdf.

⁷ <https://www.alexandriava.gov/uploadedFiles/manager/equity/ALLAlexandriaResolution2974.pdf>;

https://www.hud.gov/sites/dfiles/FHEO/images/Frequently_Asked_Questions_7_14-21.pdf.

⁸ City of Alexandria Housing Master Plan at p. vii, 131; Virginia Code § 15.2-2223(D).

⁹ <https://www.brookings.edu/policy2020/bigideas/to-improve-housing-affordability-we-need-better-alignment-of-zoning-taxes-and-subsidies/>; <https://www.governing.com/archive/gov-washington-affordable-housing-protections-gentrification-series.html>.

¹⁰ Zuk, Miriam & Chapple, Karen, Housing Production, Filtering and Displacement: Untangling the Relationships, Berkeley Institute of Governmental Studies, 2016, <https://escholarship.org/uc/item/7bx938fx>.

leadership in City decision-making is essential to slow displacement.¹¹ Many aspects of the Plan require significant development, specification, and implementation. The economic conditions of the neighborhood will continue to shift with Amazon's arrival, ongoing impacts of the pandemic, rising rents, and other factors.¹² The City should prioritize community involvement by providing low-income residents with the necessary information, compensation for their time, flexible scheduling, and access to childcare, food, transportation, and other necessary supports.¹³

- **Community impact and racial equity impact assessment and monitoring and evaluation:** The Plan does not currently present a comprehensive economic, community impact or racial equity impact assessment of the likely impact of the Plan on community displacement. To maximize its goals of preserving the social, economic, and cultural diversity of the neighborhood, the City must better understand the Plan's impact on current residents.¹⁴ Furthermore, there is no monitoring and evaluation plan for the housing policy recommendations. Market dynamics, gentrification, and neighborhood change are rapidly evolving processes. To ensure that the Plan can protect residents, there must be frequent monitoring of the Plan's impact, and opportunities to improve and adjust the Plan as needed.¹⁵
- **Guaranteed affordability:** The Plan should ensure that all affordable housing created and preserved is sustainable and remains affordable over time. Meeting the housing needs of Alexandria will require public investment, and it is in the public's interest to ensure that this investment is secured for high-quality, long-term affordable housing. The City should explore deed restrictions, long-term affordability contractual requirements, and other tools to make sure that affordability is a secure reality.
- **Guaranteed access to affordable housing:** The Plan should ensure that community members can access affordable housing, both preserved and created. To prevent displacement in Chirilagua, existing residents should be given preference to rent in all housing, including new units and redevelopment units that replace existing housing. Also, accessible rental compliance procedures should apply widely to new and re-developed housing and respond to all the obstacles that prevent low-income families from accessing housing. For example, the City should require rental compliance procedures to recognize alternative measures of the ability to pay rent, including consideration of the current rent that a family is paying when evaluating income qualification. The City should also ensure that affordable housing does not have minimum income requirements, which makes housing inaccessible to low-income families.

With the Arlandria Small Area Plan, the City can create a comprehensive vision for future development in Arlandria-Chirilagua that uses innovative tools to protect its most vulnerable residents. The future home for Chirilagua's community depends on the City's bold action.

¹¹ <https://www.justice4all.org/wp-content/uploads/2020/03/Housing-Report-FINAL.pdf> at p. 34-35; Bates, Lisa K., *Gentrification and Displacement Study: Implementing an Equitable Inclusive Development Strategy in the Context of Gentrification*, Portland State University, 2013.

¹² https://www.cfnova.org/images/communityreports/InsightRegion_UnequalBurden_Copyright2021.pdf at p. 5.

¹³ <https://www.justice4all.org/wp-content/uploads/2020/03/Housing-Report-FINAL.pdf> at p. 34-35.

¹⁴ Bates, Lisa K., *Gentrification and Displacement Study*, at p. 6, 37, 42, 46.

¹⁵ *Ibid.* at 35.

Thank you for the opportunity to submit this letter, and for your continued commitment to ensuring a future for Arlandria-Chirilagua residents. If you have any further questions, please do not hesitate to reach out to us. We are open to meeting further to discuss any of our recommendations.

Sincerely,


Evelin Urrutia (Dec 8, 2021 10:50 EST)

Evelin Urrutia
Executive Director, Tenants and Workers United
Eurrutia@tenantsandworkers.org



Larisa Zehr
Attorney, Skadden Legal Fellow, Legal Aid Justice Center
larisa@justice4all.org

CC: Helen McIlvaine, Director of Housing (Helen.McIlvaine@alexandriava.gov)
Mark Jinks, City Manager (Mark.Jinks@alexandriava.gov)
Justin Wilson, Mayor (Justin.Wilson@alexandriava.gov)
Elizabeth Bennett-Parker, Vice Mayor (Elizabeth.Bennettparker@alexandriava.gov)
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2021.12.08 Letter to Planning Commission

Final Audit Report

2021-12-08

Created:	2021-12-08
By:	Larisa Zehr (larisa@justice4all.org)
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[EXTERNAL]Public Comment on Arlandria-Chirilagua Small Area Plan

David Byrd <davidreidbyrd@gmail.com>

Wed 12/8/2021 12:39 PM

To: PlanComm <PlanComm@alexandriava.gov>

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Hello,

I am writing today concerning docket item 2 for the 12/8/2021 meeting of the Planning Commission, Master Plan Amendment #2021-00012. Having followed this process and read through the staff report, I wanted to add my voice in support of the Arlandia-Chirilagua Small Area Plan. Affordable housing is a fundamental need for the city, and with the arrival of Amazon and further business development in the area, housing stock is going to become increasingly stressed.

I believe that diverse housing options that support a range of household types and income levels is key to maintaining the vibrancy and equitability of Alexandria. I am proud that our local government takes these issues seriously, and I am excited to see plans like these come forward.

I would only encourage the city to take steps to continue and accelerate these efforts, and to pursue policies that make it easier for this kind of development to take place, be it through revisions to zoning, relaxation of parking requirements, and embracing proposals both big and small to enable greater density and affordability in Alexandria.

As an Alexandria neighbor, I would be thrilled to have more neighbors, and look forward to welcoming new residents to enrich our community.

Thank you for your time,
David Byrd

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Ana Gloria Rodriguez's Public Comments for 12.8.2021 Planning Commission Meeting

Good evening, members of the Planning Commission,

My name is Hector Jose Rodriguez and I, along with my wife, have been business owners of the Chirilagua Unisex Hair Salon for more than 30 years.

Our business directly serves the families of Arlandria. We promote our services at an affordable cost, as we understand our families in this community earn low wages.

We are lifting our voices this evening because we are worried that we will be one of the businesses that will be displaced due to the development that's coming to Arlandria-Chirilagua.

Our business is located right where the Alexandria Housing Development Cooperation will be doing their project. The City has not involved us in any process, and our future is uncertain right now.

You may ask yourself, "Why are you here?" I am here because we want to state that your decisions will have an impact; therefore, you can't and you shouldn't approve this Plan without taking us into consideration. We expect construction to begin one way or another in 2022 and we are just finding out about all of this, just a few months ago.

We do not want to leave Chirilagua and we want the city to support us. We need the city to work with us to create a Plan where a vision is created, a vision that includes everyone who is part of this community and considers how we provide for this community.

Housing goes hand-in-hand. As small businesses, we are also part of this community. There should not be a Plan where we are excluded and this plan should not be approved before even having a conversation with us.

Our business is our only source of survival. If we do not have this business, we don't have any income.

We want to be a part of this Arlandria Small Area Plan because this will all result in large impacts to our business.

Thank you for giving me the opportunity to speak.

Buenas tardes comisión de planificación,

Mi nombre es Ana Gloria Rodríguez y yo junto con mi esposo hemos sido dueños de Chirilagua Unisex Hair Salon por más de 30 años.

Nuestro negocio es servir a las familias de Arlandria. Nosotros promocionamos nuestros servicios a bajo costo, porque entendemos que las familias que viven en Chirilagua ganan bajos ingresos.

Estamos lanzando nuestras voces esta tarde porque nos preocupa nosotros ser unos de los negocios que se desplace por el desarrollo que viene en Arlandria Chirilagua.

Nuestro negocio está localizado justamente en el área donde estará el proyecto de la Cooperación de Desarrollo de Vivienda en Alexandria. Como la ciudad no nos ha involucrado en ningún proceso, nuestro futuro es incierto en estos momentos.

Ustedes se preguntarán entonces por qué estamos aquí, justamente es para decirles que sus decisiones tienen efectos en nosotros y que no pueden y no deberían aprobar planes sin tomarnos en cuenta. Se espera que la construcción comience de alguna forma en el 2022 pero nosotros apenas nos dimos cuenta hace un par de meses.

Nosotros no queremos salirnos de Chirilagua y queremos que la ciudad nos apoye. Necesitamos que la ciudad trabaje con nosotros para crear un plan donde la visión sea incluir a todos los que somos hoy parte de Arlandria y lo que hacemos de esa comunidad única.

La vivienda va de mano en mano con los negocios pequeños que hoy somos parte de esta comunidad. No debería haber un plan donde somos excluidos totalmente o donde vendrán conversaciones hasta después de aprobar este plan.

Nuestro negocio es nuestra manera de sobrevivir, si no tenemos nuestro negocio, no tenemos ningún otro ingreso.

Queremos ser parte del plan pequeño de Arlandria porque esto resultará un gran impacto en nuestro negocio.

Muchas gracias por la oportunidad en dejarme hablar

Maria Cabrera's Public Comments for 12.8.2021 Planning Commission Meeting

Hello, and good evening, everyone.

My name is Maria Cabrera and I have lived in the community for years now. I live in the New Brookside Apartments and the high cost of rent has always been a concern for me because I pay \$2,045 a month in rent. With the pandemic, my income was cut back by my employer.

We know that the Plan for Arlandria is going to bring various changes, including development that will not benefit our community.

The best kinds of changes would be those that protect our community. And to secure our future, this plan must guarantee large amounts of low-cost housing because 10% is not sufficient.

We need more projects like the Alexandria Housing Development Cooperation in order to preserve and secure a future for our community. We are grateful that you have involved our community in this process, but this Plan does not guarantee housing and I do not support this plan because it does not include details for meeting our needs nor does it include sufficient action for preserving our community and guaranteeing housing for low-income households in the new developments, especially for families who earn less than \$40,000/year.

If this plan is approved, you would be incentivizing the developers to accelerate the displacement of our community that is unique that we have been contributing to for more than 30 years. We hope you can make the necessary changes before approving this plan. Thank you very much.

Hola Buenas Tardes a todos,

Mi nombre es Maria Cabrera y he vivido en la comunidad por años. Vivo en los apartamentos new brookside y el alto costo de renta siempre ha sido una preocupación para mi porque yo pago \$2,045. Y con la pandemia mis ingresos fueron empeorando por mi trabajo.

Sabemos que el plan de arlandria va traerá varios cambios y con desarrollos que no beneficiará a nuestra comunidad.

Los cambios son buenos sobre todo cuando protegen a nuestra comunidad. Y para asegurar nuestro futuro este plan tiene que garantizar vivienda a bajo costo en grandes cantidades porque el 10% no es suficiente.

Necesitamos más proyectos como el de **la Cooperación de Desarrollo de Vivienda en Alexandria** para preservar y asegurar el futuro de nuestra comunidad. Nosotros agradecemos todo el involucramiento, pero este plan no garantiza nuestras viviendas y no estoy de acuerdo de este plan porque no incluye en detalle nuestras necesidades ni acciones suficientes en cómo van a:

- Preservar nuestra comunidad, y cómo van a garantizar vivienda a bajo costo cuando haya desarrollo nuevo . Especialmente familias como yo que ganan menos de \$40 mil .

Si este plan es aprobado hoy estarían aprobando darles más ganancia a los desarrolladores y acelerando el desplazamiento de nuestra comunidad que es única y que hemos contribuido a esta ciudad por más de 3 décadas.

Esperamos que puedan hacer los cambios necesarios antes de aceptar este plan.

Muchas gracias

Alicia Cabrera's Public Comments for 12.8.2021 Planning Commission Meeting

Good evening to all the Members of the Planning Commission,

My name is Alicia Cabrera and I am the business owner of Marcela's Bakery in Arlandria-Chirilagua. I have been serving the community with our traditional dishes and our culture for more than 17 years.

The majority of my clients and my workers live in the Arlandria community, And that is something I am proud of.

I found out a month ago, from Tenants and Workers United, about all the changes that will soon be arriving to the community, including an Arlandria Plan that is created by the City of Alexandria.

I was surprised by this because the city never informed me of this Plan or asked for my thoughts.

Learning about this plan worries me because of all the changes that will be coming, including new housing developments. If the City is not adequately prepared, my clients and workers will be displaced, and that means that I will not be able to survive because my business is based on and supported by the needs of the community that currently lives in Chirilagua.

At the same time, I know that along with developments come high costs of rent for everyone, and that includes our business. Nowadays, it is already difficult to maintain our business in Alexandria. What will be the future of my business with all these changes?

I am here to express my huge concern for my small business and this big Plan. I want to be a part of the process, but not just once it is approved.

I would say "yes" to development if it includes all of us and results in no displacement because for decades, we have seen it in Alexandria with other developments in other communities.

Thank you.

Hola, Buenas Tardes a la comisión de planificación,

Mi nombre es Alicia Cabrera y soy la dueña de Marcela 's Bakery en Arlandria Chirilagua. He estado ahí por 17 años sirviendo a la comunidad con nuestras comidas tradicionales de nuestras culturas.

La mayoría de mis clientes y mis trabajadores viven en la comunidad de Arlandria. Y eso es un orgullo para mí.

Me enteré hace un mes por Inquilinos y Trabajadores Unidos de todos los cambios que vienen a la comunidad, incluyendo la creación de un plan de Arlandria de parte de la ciudad de Alexandria.

Me sorprendí mucho porque la ciudad nunca me informó de este plan ni de mis opiniones.

Informando sobre este plan, me preocupa todos los cambios que vienen, especialmente los desarrollos de vivienda. Si la ciudad no está preparada adecuadamente mis clientes y trabajadores van a ser desplazados y eso significa que yo no voy a poder sobrevivir porque mi negocio está focalizado en la necesidad de la comunidad que ahora vive en Chirilagua.

Al mismo tiempo sé que un desarrollo trae altos costos de renta para todos y eso incluirá nuestros negocios. Hoy en día ya es difícil mantener un negocio en Alexandria, cual sería el futuro para nosotros para mi negocio con todos estos cambios.

Estoy acá para expresar esta preocupación tan grande "mi negocio es pequeño y este plan es grande -quiero ser parte de este proceso, pero no cuando todo esté aprobado.

Yo digo sí al desarrollo que nos incluya a todos y no al desplazamiento que por décadas hemos visto en Alexandria con otros desarrollos en otras comunidades.

Gracias.

[EXTERNAL]Alandria zoning plan comments Docket Item #202100012 Case # 0000

christine smith <cmsmith82190@yahoo.com>

Wed 12/8/2021 2:58 PM

To: PlanComm <PlanComm@alexandriava.gov>

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Greetings

There are several points in this plan that specifically change the nature of the area (greenspace, building height and affordable housing) that need to be changed- to keep the valuable attributes of the neighborhood- and not be an extension of Crystal City.

Alter the following to keep- lower heights, retail on first floor and local....and most importantly all affordable housing stays local and cannot be offset with a onetime cash payment (that doesn't benefit residents- just the city's funding).

- Figure 7: Recommendation showing for Cora Kelly and Chick Armstrong site to be zoned for mixed use with residential and commercial
- #70/Figure 8B: New development can utilize the additional heights as in Figure 8B if 10% or less of that height is for affordable housing *in addition to bonus heights already allowed* by Section 7-700 (these two provisions allow additional 50' feet of height throughout the plan area shown in Figure 8B including in bordering neighborhoods)
- #4.e. New development can give a cash contribution to the Housing Trust Fund in lieu of providing the required affordable units on-site. (Note [Section 7-700](#) already has an allowance for required affordable units to be built off-site)
- #32. New development's required tree canopy can be provided off-site
- #59. New development's required retail spaces can be provided in other locations besides the required ground floor frontage
- #85. Parking requirements are flexible for committed affordable units (meaning if parking is not bundled with a unit's rent, residents with cars must pay for parking or park on the surrounding streets)

Christine Smith
131 Lynhaven
Alexandria 22305

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[EXTERNAL]Arlandria Chirilagua Small Area Plan

Tom Goslin <tdgoslin@gmail.com>

Wed 12/8/2021 3:01 PM

To: PlanComm <PlanComm@alexandriava.gov>

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I am writing to express my concerns with one particular aspect of the Arlandria Chirilagua Small Area Plan: the significant increase in housing units targeted for this small, vibrant area of Alexandria. Adding the proposed 1000 new residential units will completely change the character of the neighborhood. Adding 1000 new families without increased local school capacity will dramatically exacerbate existing overcrowding that continues to bedevil ACPS. Adding 1000 new residences without significant new parking facilities or nearby (Potomac Yards is not nearby) transportation infrastructure will dramatically impact traffic and parking issues throughout Arlandria and nearby neighborhoods.

Frankly, it is inconceivable that the Planning Commission could conclude that adding 1000 new residences in this small area of Alexandria – an area already teeming with residential and commercial activity – would result in a net improvement to Arlandria or its existing residents and neighbors. Even if new units are earmarked for existing residents, the existing residences vacated by those residents ultimately will be filled by people who currently live outside the neighborhood. Increasing density so dramatically will forever change this area of the City, particularly if the proposed increases in building heights are approved. Huge swaths of the existing residential neighborhoods currently made up of tidy row- and single family homes will be subject to multi-story redevelopment. Is any resident actually asking for these homes to be demolished to make way for new apartment buildings? Increasing building height across such a huge portion of this neighborhood would seem to benefit no one besides developers.

Alexandrians do not want to live in Crystal City. We do not want, nor can the infrastructure support, high-rise apartment buildings stacked one next to the other. If, for some reason I am unaware of, the City would benefit in some significant way by adding 1000 new residences, the City first should build out the infrastructure necessary to support those new residents, which would include new schools and new public transportation infrastructure. Adding a bus stop and rebuilding existing schools is not going to come close to meeting the increased immediate demand for services that will come from 1000 new families in such a small area of the City. Or, instead of building 1000 new units in this one small part of Alexandria, spreading the new units throughout the City might help to mitigate such a concentrated demand for classroom desks and transportation infrastructure.

The “Community Vision for the Future”, as set forth in the Small Area Plan presentation, sounds wonderful, but is woefully short-sighted. That vision can only be realized if the necessary infrastructure improvements are made in advance to ensure that such a dramatic increase in density does not overtax existing resources. Since there appear to be no plans to make such infrastructure improvements, I urge the Planning Commission to reject this aspect of the Small Area Plan.

Respectfully,

Tom Goslin
802 Grand View Drive

[EXTERNAL]Arlandria-Chirilagua Small Area Plan

Grace Sheedy <grace.c.sheedy@gmail.com>

Wed 12/8/2021 3:09 PM

To: PlanComm <PlanComm@alexandriava.gov>

You don't often get email from grace.c.sheedy@gmail.com. [Learn why this is important](#)

Dear members of the Planning Commission:

I am writing today about item number 2 on the docket for tonight's meeting: Master Plan Amendment #2021-00012, the Arlandria-Chirilagua Small Area Plan.

As a resident of the community, I appreciate the attention to our neighborhood in the face of the arrival of Amazon offices, the new Virginia Tech campus, and the (long-awaited!) Metro station. I urge the commission to ensure that the accompanying focus on economic growth does not outweigh the residents' goals for equity, affordable housing, and a neighborhood that meets our needs.

I look forward to increased investment in Arlandria-Chirilagua and I share the concerns of many of my neighbors that this plan does not do enough to preserve and expand affordable housing for those earning 40% of the area median income and below.

This plan must ensure that any new development in the neighborhood has more than a token percentage of deeply affordable housing to meet the needs of low-income families in our neighborhood, now and into the future. As so many other neighbors have already written, we need guaranteed investment in deeply affordable housing to reduce displacement and ensure that the members of our community are here to benefit from the increased resources and new development.

This plan should serve our community and not the other way around. Any affordable units required in relation to the plan must be built on-site; the required ground floor retail should not be provided in other locations; and new developments' required tree canopy must be located here and not off-site. Existing residents should be given preference to rent in all housing under the plan, including new units and redeveloped units replacing existing housing.

Finally, the plan must include a thorough assessment of the community, economic, and racial equity impacts, as well as ongoing monitoring and mitigation.

Thank you for your work on this issue, and I look forward to a plan that serves the needs of our community now and into the future.

Sincerely,
Grace Sheedy

[EXTERNAL]Chirilagua/Hume Springs height restrictions

gregory.t.shannon@gmail.com <gregory.t.shannon@gmail.com>

Wed 12/8/2021 3:55 PM

To: PlanComm <PlanComm@alexandriava.gov>

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Hello commission,

I am writing to express disagreement with the proposed plan to add to the existing height limits in the Chirilagua/Cora Kelly area.

While I support affordable housing, I believe this approach does not truly address the issue and may make things worse in this area. My family moved to our home on Dale St in 2016, because it was one of the few areas that was “affordable”, by DC area standards, and we loved the diverse, walkable nature of the neighborhood. While prices have gone

up and diversity appears to have gone down, particularly since the announcement of Amazon’s second headquarters, adding large, expensive properties while losing less expensive apartments, businesses, etc, won’t help the affordable housing situation in this area, particularly when developers can just give money to a trust fund. Between Crystal City, Potomac Yards, Del Ray and Arlington, there are plenty of places nearby for people with more means to live in this area, without adding towers to Chirilagua.

Furthermore, there are better ways to address affordable housing, and the idea that Chirilagua is an urban blight, as some on both sides of this issue have suggested is farcical, whether you are looking at a dictionary or *Kelo v. City of New London*. Sadly many newer residents would be happy to see older residents pushed out of our community to have more things down the street.

The city should be doing more on the affordable housing front, while also protecting against the current issues being exacerbated by population growth, e.g. flooding. It is also unclear how adding towers where a school and rec center currently stand is beneficial to the neighborhood or the wildlife preserve it is near. The current plan will likely do little for, or will make worse, the affordable housing situation in the Chirilagua area. Rather, it will likely lead to the destruction of the current community as we have known it, and many of the people that make up our community will be forced to move further away or out of the city altogether. Perhaps the city is fine with this, as it will be one less problem for Alexandria. However, I and many members of this community are not.

Please reconsider the proposal.

Gregory T. Shannon

Sent from my iPhone

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[EXTERNAL]Draft Arlandria-Chirilagua Small Area Plan - Dec 8 #2021-00012

Colleen S <colleen1900@gmail.com>

Wed 12/8/2021 4:44 PM

To: PlanComm <PlanComm@alexandriava.gov>

You don't often get email from colleen1900@gmail.com. [Learn why this is important](#)

To the City of Alexandria Planning Commission:

As an engaged community member, I have attended many of the Arlandria community work group meetings as well as the open houses and online meetings hosted by the planning committee. I want to acknowledge the committee's hard work over the past year through a pandemic to engage the public on the redevelopment of Mount Vernon Ave.

Unfortunately, this plan does not reflect some of the core values that came about in that public engagement, namely

- 1) addressing affordable housing for current residents of Arlandria Chirilagua
- 2) limiting unfettered growth of population and density in our part of the city

I would like commissioners to consider the following:

- Strike any part of the plan that allows the Cora Kelly and Chick Armstrong site to be zoned mixed use with Residential and commercial. See Figure 7.
 - Research has shown that it is explicitly against Virginia state law Section 22.1-129 that states the school board can only convey property to the City or a developer when the school system has "no use" for it.
- Strike any part of the plan that allows for an increased bonus height of 25 feet and exchange for only 10% affordable units -- especially outside of the existing CDD #6 and #12 areas.
 - Section 7-700 Already gives 25' bonus height for 8% affordable housing.
 - Both these bonus heights provide for 115 foot buildings in the corridor and 95 foot buildings in surrounding neighborhoods.
 - Consider a plan bonus height that requires all affordable units – whether or not developers choose to support the existing community is up to them.
 - Additional bonus height to go up to 95 feet will not add value to the surrounding neighborhoods to the east and west of the corridor and will actually be a detriment to the quality of life and livability of those neighborhoods
- Strike recommendation #4 -e that allows developers to cash out with the housing trust fund instead of building affordable units on site

- Section 7-700 already allows for this and adding it to the plan's added bonus height is unproductive toward increasing affordable housing in the city.
- It should be noted that the added 25' feet in Section 7-700 also allows developers to locate affordable units off-site. Where is the guarantee that any bonus height in this plan would actually benefit affordability in Arlandria Chirilagua?

Studies by Casa Chirilagua have already shown that these plan recommendations for only 10% exchange do not meet the needs of current residents and would actually increase the average median income (AMI) immediately – pricing out many

- Strike recommendation #32 that allows new development to locate the required tree canopy off-site
- Strike recommendation #59 that allows new development to locate retail spaces at a location different than the required ground floor and frontage
 - That would not comply with the plan's intent of creating an activated retail corridor along Mt Vernon Ave
- Consider modification to the “flexible” parking requirements for new development as is recommended in #85.
 - This leaves open the possibility of not bundling parking with rental units. Which in turn would congest parking in surrounding neighborhood streets.
- Reconsider any recommendations in the plan (Figure 7) that convert large tracks of land from commercial-only to mixed use residential.
 - This could potentially mean an unmanageable increase in population and density that the city's infrastructure is not prepared for and that would destroy quality of surrounding neighborhoods
- Reconsider any recommendation in the plan (Figure 7) that convert sweeping tracks of land from residential-only to mixed use commercial.
 - Again this would destroy quality of surrounding neighborhoods – what makes a neighborhood a neighborhood

We know we need redevelopment in the area -- neighbors have known this for the last two decades since 2003. The 2003 plan came from a large working group of engaged citizens and residents after long deliberation around a table. This plan came from a series of virtual and outside meetings through a pandemic and “updates” became an entirely new plan of 300 pages with a mere 3 weeks of public review.

The magnitude of height was not made clear in the many meetings with measurements in stories not feet, surveys closed at 5pm on due dates, the school site was never discussed, well-established surrounding neighborhoods should not have been included.

We know we need better affordable housing options in the city. And the trade space is narrow. But this plan does not meet those needs for the City's most vulnerable. And any affordability comes at the expense of what makes Arlandria lively, livable and unique.

Please consider asking the planning committee to make changes to the draft that will accommodate the needs of the community more, the *existing* community. Don't rob us of a sense of home with 120 foot buildings and commercialized school buildings. Make sure the plan requires developers to invest in the community and not just the bottom line.

Sincerely,
Colleen Stover

Member and former President of Hume Springs Civic Association
Former member of the North Potomac Yard Advisory Board

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[EXTERNAL]December 8 meeting of Planning Commission

jcminnis <jcminnis@yahoo.com>

Wed 12/8/2021 4:52 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: johnfehrenbach@comcast.net <johnfehrenbach@comcast.net>; Anne-Marie Dardis <amdardis@gmail.com>

 1 attachments (1 MB)

NRCA-Ltr-to-Planning-Commission re Arlandria SAP - 12 07 21.pdf;

You don't often get email from jcminnis@yahoo.com. [Learn why this is important](#)

December 8, 2021

Planning Commission

c/o Department of Planning & Zoning

P.O. Box 178

Alexandria, VA 22314

Delivered Via Email: PlanComm@alexandriava.gov

Re: December 8, 2021 meeting of the Planning Commission:

Docket Item #2, Master Plan Amendment #2021-00012—Proposed Arlandria-Chirilagua Small Area Plan ("SAP")

And,

Docket Item # 4,

City Charter Section 9.06 Case #2021-00006

Coordinated Development District Conceptual Design Plan #2021-00005

A Coordinated Development District Special Use Permit with Site Plan #2021-10024

Transportation Management Plan Special Use Permit #2021-00063

Vacation #2021-00001

221 West Glebe Road and 3606, 3610, 3612 and 3700 Mount Vernon Avenue -
AHDC Glebe/Mt. Vernon

Dear Chairman Macek and Planning Commission Members:

We are long-time residents of the North Ridge neighborhood and we live a short distance from Arlandria-Chirilagua.

We have reviewed the letter dated December 7, 2021 sent by the President of the North Ridge Citizens Association ("NRCA") to the Planning Commission (the "12-07-21 NRCA Letter") in reference to docket item #2 of the December 8, 2021 Planning Commission meeting. We wish to express our agreement with the concerns raised in the 12-07-21 NRCA Letter with respect to the proposed Arlandria-Chirilagua Small Area Plan.

In addition, we believe the concerns raised in the 12-07-21 NRCA Letter are relevant to the proposed AHDC project at 221 West Glebe Road and 3606, 3610, 3612 and 3700 Mount Vernon Avenue (the "Glebe/Mount Vernon Proposal"). We respectfully submit those same considerations by reference for consideration in connection with the Glebe/Mount Vernon Proposal set forth in Docket Item #4 of the December 8, 2021 Planning Commission meeting. A copy of the 12-07-21 NRCA Letter is attached.

Thank you very much for your consideration.

Jim & Anne-Marie Minnis

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NRCA, P.O. Box 3242, Alexandria, VA 22302

December 7, 2021

Planning Commission
c/o Department of Planning & Zoning
P.O. Box 178
Alexandria, VA 22314

Delivered Via Email: PlanComm@alexandriava.gov

**Re: December 8, 2021 Docket Item #2, Master Plan Amendment #2021-00012—
Proposed Arlandria-Chirilagua Small Area Plan (“SAP”)**

Dear Chairman Macek and Planning Commission Members:

North Ridge Citizens’ Association (“NRCA”) shares the following concerns regarding the above-referenced proposal for the draft of the Arlandria-Chirilagua Small Area Plan.

1) The purported rezoning of the Cora Kelly Elementary School site violates Commonwealth law.

The Plan (see Figure 7) appears to propose the rezoning of Cora Kelly School and the Armstrong recreation site for mixed commercial-residential-institutional use. As outlined in NRCA’s December 7, 2020 letter to the City (copy enclosed), Virginia law prohibits the planning, construction, and use of housing and other non-education related facilities on school campuses.¹ Further, the law restricts school site use determinations to the School Board. Plus, in numerous public comments on the Joint City-ACPS Facilities Master Plan [and other City proposals], Alexandria citizens overwhelmingly opposed mixed uses with housing at school sites. To our knowledge, no representative of City government—including ACPS or the School Board—has officially provided a written legal opinion that would support such a plan. The City needs to correct this illegal defect in the Plan, and make clear to the public that no funds or City staff time will be spent on such efforts.

2) The City has not adequately accounted for a substantial increase in the number of new students that will be added to the school system with this significant development.

The draft Plan acknowledges that Arlandria’s population has double the average number of children overall (20%) compared to the same population citywide, yet it does not include any meaningful and realistic planning information beyond an assurance that the City is “working with” ACPS on the Cora Kelly renovation. As you know, Alexandria is already dealing with tremendous challenges with school overcrowding, and it is highly probable that other schools may be impacted by a large increase in new residents.

Additionally, given Virginia safety/fire code guidance for elementary schools and the City’s updates to Open Space definitions, it appears that any additional allowances for

¹ The letter also was copied to the ACPS Superintendent of Schools, City Council, Mayor, and City Manager.

height of the school building based on zoning “bonuses” for residential development could potentially reduce the maximum amount of open space available to students.

3) Dramatically increasing density and traffic problems will adversely affect livability and quality of life for all area residents, including North Ridge.

The enormous impacts of the proposed changes are grossly discounted and underestimated. North Ridge objects to the aesthetics of building exceedingly tall and large buildings in the neighborhood, which is presently composed mainly of single-family homes, townhouses, duplexes, garden apartments, and single-story retail with an Art Deco aesthetic. The increased density and sheer numbers of people will materially increase demands on existing green space and require a substantial increase in tree canopies and green space, yet the Plan does not adequately address these problems. Tall buildings may belong in National Landing/Crystal City office parks, but not in this location. The isolated high-rises in this neighborhood stick out and should never have been approved.

Realistically, increased traffic and a demonstrable lack of adequate street parking will ultimately discourage those who rely on private transportation from visiting, or even going near, businesses in the area.

The draft Plan states (p. 67), “The City will evaluate multimodal safety, access, connectivity, and curbside management (such as but not limited to on-street parking) along Mount Vernon Avenue and East and West Glebe Road and implement intersection and roadway improvements as shown in Figure 19.” Removing on-street parking along W. Glebe as part of a future “road diet” will exacerbate existing parking shortages along this road and surrounding streets (*e.g.*, Old Dominion and Brighton Court). Similarly, commuters who use this roadway (including ACPS/Chas. Barrett families) would suffer from the City’s plan to reduce the roadway to one lane in either direction.

4) The Planning Commission should account for why the area from the W. Glebe Bridge to the Dominion Energy property at 907 W. Glebe Road is “to be evaluated as part of future planning process,” according to the Plan.

If the City is contemplating different zoning classifications for this area, it should be addressed in an open, transparent fashion and not obscured. Additionally, if such deferrals in rezoning are allowed by law as part of the Small Area Plan process, the City should similarly defer any zoning/site uses for Cora Kelly Elementary to the School Board.

Thank you for this opportunity to comment.

Sincerely,



John Fehrenbach, President

cc: Alexandria City School Board
Clerk of the School Board
ACPS Superintendent Gregory C. Hutchings, Jr.

Enclosure



NRCA, P.O. Box 3242, Alexandria, VA 22302

December 7, 2020

Alexandria City School Board
Clerk of the School Board
1340 Braddock Place
Alexandria, VA 22314

Re: Use of ACPS Campuses for Housing Projects

Dear Chair Anderson and Board Members:

As you know, the North Ridge Citizens Association (NRCA) has been actively monitoring ACPS plans to modernize the George Mason Elementary School, located in our neighborhood. We are very appreciative of your efforts to involve our community in the planning process and have strongly conveyed our view that the limited space available on the George Mason site needs to be preserved for the core educational and recreational needs of our community. Public support is overwhelmingly galvanized in support of this approach, and City residents have vocalized opposition to colocation of housing on school grounds.¹

Based on meetings held with you and Mayor Wilson in the spring, we were hopeful that there would be a prompt, public decision that no space could be spared for an affordable housing project on the George Mason site. Unfortunately, eight months have now passed and no such assurance has been provided.

We are instead aware that Alexandria City officials are continuing to press ACPS to use school campuses for affordable housing. The Director of the Office of Housing recently informed the community that it is a challenge to find enough land to meet the city's affordable housing needs and that they are accordingly looking for space on school campuses where developers can build and manage housing for those who are income eligible.²

In light of these developments, it is imperative to inform you of the evidence showing that Virginia law prohibits the planning and construction of affordable housing on the George Mason campus, and likely other existing ACPS school campuses. We hope that a prompt review of this legal issue by the School Board's independent counsel will prevent the further loss of time and money spent on the study of City-driven housing projects that cannot be built on school grounds. Otherwise, we are prepared to pursue additional actions that will ensure the Virginia laws protecting school property are enforced, including a review from the Virginia Department of Education. We believe that VDOE – as well as the courts – would prohibit the City's quest to colocate affordable housing on the George Mason site and others because (1) the School Board has exclusive authority to determine what structures should be built on the property; (2) the School Board has no authority to erect affordable

¹ See results of Joint Facilities Master Plan Survey, October 2020.

² 11/19/20 High School Project Open House. The Director of Housing expressly confirmed that the City is not planning to limit occupancy to ACPS teachers. Emails from City staff obtained via FOIA also indicate the conclusion that the Fair Housing Act does not permit such limits.

housing on school grounds; and (3) the School Board has no authority to convey any portion of the site to the City for such a purpose.

As the City's October 2020 report on Affordable Housing and Colocation reveals, *the City failed to identify a single school board in the Commonwealth of Virginia that has ever authorized the construction of a housing project on a school campus*. This finding fully conforms to our understanding of the law, and was confirmed by ACPS staff during a presentation to the George Mason Task Force on December 1, 2020. Virginia School Boards have only been given authority to build and supervise schools, not housing. When City officials urged ACPS to allow housing developments on ACPS campuses at a meeting on January 27, 2020, you correctly told them: "[W]e're not the housing administration, we're the school system."³ We hope that we can help you persuade the city to respect legal boundaries and to stop any campaign to gain control of school campuses to use for affordable housing.

First, the School Board has exclusive authority to decide what structures should be built on the George Mason site. Article VIII, Section 7 of the Virginia Constitution *mandates* that the local school board -- not the City government -- must be responsible for the supervision of the public schools. The Virginia Supreme Court has interpreted this provision to mean that school boards have the *constitutional obligation* "to determine whether a particular property is needed for school purposes and the manner in which it shall be used."⁴ Based on the clarity of this constitutional mandate and the implementing statutes governing the power of Virginia school boards, the City Attorney has already acknowledged that ACPS has exclusive authority to determine what should be built on school sites.

In 2017, the City Attorney issued an opinion explaining that Virginia courts have held that the power to "determine the manner in which school property shall be used is vested exclusively with the local school board" and that City Council does not have "any general supervisory authority over the schools" (p. 1-2). The opinion also concludes (p. 3) that ACPS cannot "abrogate any of its independence with respect to its core responsibilities," which includes the design of the campus. City Attorney JoAnna Anderson also acknowledged at a meeting on January 27, 2020, that the City could not direct ACPS to build housing on school property.⁵ There is simply no dispute that the School Board must decide for itself what to build on the school sites in the exercise of its constitutional mandate to supervise the public schools.⁶

Second, state law prohibits the School Board from erecting affordable housing on the George Mason site. State law and zoning code dictate whether multifamily housing can be erected on existing ACPS school sites. Specific to George Mason, Section 3-302 restricts residential units to single family homes in an R-8 zone. Even if the zoning laws were amended over strong community opposition, however, the School Board does not have the authority to construct affordable housing on this site.

In Virginia, the powers of local school boards are limited by a rule of strict construction called the Dillon Rule. Under this rule, a school board can only take actions that are expressly authorized by state statutes, fairly implied from the text of those statutes, or that are essential and indispensable to the performance of the school board's functions. Actions taken outside the scope of this limited authority are illegal, *no matter how much the City might seek the School Board's help* (see 2004 Op. Va. Att'y Gen. 04-074, which concludes that school board funds may only be used for the "establishment, support and maintenance of schools" and not other public purposes).

³ Alxnow.com/2020/01/28

⁴ *Howard v. County School Board*, 203 VA 55, 58 (1961).

⁵ Alxnow.com/2020/01/28.

⁶ George Mason School is located on a single, undivided 9.4 acre parcel of land. Title is held in the name of the city but state law mandates that the School Board has the responsibility to "control the property of the school division," (VA Code 22.1-79.3), and the "official care and authority of a school board shall cover all territory" within the school boundaries even "when the title to such property is vested in the . . . city" (22.1-125(B)). The entire 9.4 acre parcel has the "legal description" of "George Mason School" in the city's property records and the ACPS 2015 Long Range Educational Facilities Plan describes the George Mason Elementary School "site" as 9.4 acres in size including the tennis courts and fields. (4.20-21).

The Virginia Code directly addresses the power of the School Board to construct buildings. Section 22.179(3) establishes that the School Board only has the power to “erect[] ... *necessary school buildings* and appurtenances.” An affordable housing development is obviously not a “school building” or a “necessary appurtenance.” This express limitation on the scope of the school board’s powers accordingly forecloses ACPS from erecting any affordable housing units.

This reading of the statutory language is further confirmed by Virginia Department of Education regulations. VDOE is required to establish minimum standards for all public school buildings and must approve every school board’s plans for construction (Section 22.1-138, 22.1-140). VDOE Guidelines for School Facilities in Virginia’s Public Schools provide “detailed guidance for the planning and design of local public school facilities” (p.vi) but nowhere make provision for housing in such facilities. The Guidelines emphasize that it is the school board’s responsibility to “develop a specific educational program” and then choose a school design necessary to “carry out the educational program.” The “educational program” for an elementary public school does not require affordable housing on the campus.

This conclusion is also borne out by the long history of public school projects in Virginia. It is telling that the City’s October 2020 report on Affordable Housing and Colocation does not cite a single example of a Virginia school board constructing housing on a public school site. School boards in Virginia do not build housing because their sole power and responsibility is to build and supervise schools. Cities and counties build and supervise affordable housing. The six examples cited as precedent for the City’s proposal to use ACPS property for housing have no bearing on the School Board’s authority to build affordable housing on school grounds under Virginia law. Not only were all of the projects built in other states, at least three of the projects were not built on public school property.⁷ The remaining projects involved teacher housing in two states that adopted legislation expressly authorizing school districts to build housing for teachers on school property. The City is clearly not proposing to colocate teacher housing. Moreover, there is no similar Virginia statute that expressly permits building any type of housing on school property.

The Commonwealth’s own Constitution imposes exclusive responsibility on school boards to supervise schools, not housing, and the implementing legislation expressly limits the school board’s power to the construction of “necessary school buildings.” The fact that some other state with different laws allowed the use of school property for housing has no legal relevance to the scope of a Virginia school board’s authority.⁸ As a Dillon rule jurisdiction, any co-location of affordable housing on school board property in Virginia is illegal under state law.

Third, the School Board has no authority to convey any portion of the George Mason site to the City or developers for the construction of affordable housing. ACPS has repeatedly recognized that it does not have enough land to meet the current needs of the school system, let alone the future needs created by an expanding population.⁹ It is inappropriate and short-sighted for the City to continue engaging in unfounded efforts to press the School Board to transfer control of school property to the City for affordable housing projects. It is not simply bad policy to prioritize new housing units over the future of our schools and our students. It is also foreclosed by Virginia law.

Under Virginia law, the School Board is obligated to “*control* the property of the school division” (Section 22.1-79(3)). This power must be exercised by the School Board and cannot be abrogated by transferring control of the school’s real estate to city officials except under very limited circumstances. Under the explicit language of

⁷ The website for the teacher housing referenced in New Jersey indicates that the housing was built on land owned by a private developer and that the schools in the development are “charter” schools, not public schools. The website for the East Harlem project cited in the report also involves a charter school and housing built on land owned by the city’s housing authority. The teacher housing referenced in North Carolina was built by a private charity on land owned by the county according to published news accounts.

⁸ Three of the six examples involve housing built on public school property in California and Florida. In both states, special legislation was enacted to authorize the construction of teacher housing, but does not extend to affordable housing generally. The third example concerns a yet-to-be-approved project in Florida, which also enacted legislation expressly authorizing teacher housing on school property. See FL Statutes Section 1001.43(12).

⁹ The September 14, 2020 community presentation of the Joint Facilities Master Plan emphasized that “population is projected to continue growing” and predicted the addition of more than 30,000 people by 2040.

Section 22.1-129, the School Board can only convey its real property to the City (or a developer) when the school system has “no use” for the property. That legal requirement forecloses the City’s efforts to colocate housing at George Mason -- and most likely other campuses as well.

The School Board could not possibly determine in good faith that it has “no use” for *any* portion of the George Mason site, or any other campus. George Mason is not large enough for the current modernization project, let alone future expansions. In 2015, ACPS and the City issued its Long Range Educational Facilities Plan and adopted the goal of “meeting the [VDOE] guidelines” governing the size of a campus needed for educational and recreational purposes (p. 3.12). The LREFP emphasizes that the campus must be large enough because it is “important for students to recreate, have access to explore nature, and learn in an outdoor classroom.” This goal cannot be achieved if any portion of the site is devoted to housing. In order to comply with the VDOE Guidelines, *the entire parcel* must be dedicated to educational and recreational space. Under Section 3.2 the School Board should have at least a 10-acre site for an elementary school designed for 600 students (ACPS is projecting 670 students for the 9.4 acre site). In addition, VDOE guidelines emphasize the need to “provide for future expansion” in the planning process and to obtain “additional acreage where possible” in order to “allow for future growth and flexibility” (p. 2, 8). It is accordingly not possible for the School Board to conclude that it has “no use” for any portion of this site.¹⁰ No portion of the property can be conveyed to the City, or to any developer(s) for construction of housing.¹¹

While some City officials are pressing the School Board to help the City meet its affordable housing goals, Virginia law is clear. The “school board may not abrogate its duties or compromise its independence with respect to its core responsibilities” (2011 Op. Va. Att’y Gen. 10-122). The School Board can only use its real estate for “school buildings” and *not* for the provision of affordable housing. It would be incomprehensible for the Board to declare existing property to be “surplus” when there is such overwhelming need for expanded school capacity and ACPS re-opening during the COVID-19 pandemic. Thank you for your consideration and we look forward to working with you.

Best regards,



Chuck Kent
President, North Ridge Citizens’ Association

cc: Mayor & City Council
Mr. Mark Jinks, City Manager
Mr. Gregory C. Hutchings, ACPS Superintendent of Schools

¹⁰ The LREFP was developed to “identify the types of facilities that can best meet education needs over the next 25 years” (Executive Summary at p. 1). There is *no reference* in the LREFP “master plan” to an educational need for public housing on school properties.

¹¹ ACPS acknowledged at a December 1, 2020 meeting with the George Mason Task Force that the Minnie Howard campus is too small to meet VDOE guidelines for the planned enrollment -- even without the allocation of any portion of the site to housing.