

13  
9-12-20

**Gloria Sitton**

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**From:** website <noreply@surveygizmo.com>  
**Sent:** Thursday, September 10, 2020 11:23 AM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]City Council speaker's form submission received

Meeting Date: 09/12/2020  
Docket Item# 13

Speaker's Name: Mary Catherine Gibbs  
Phone #: 7038351922  
Email: mcgibbs@wiregill.com  
Address: 700 N. Fairfax St., Suite 600

Representing self? No  
If representing other:

Position on the item: For

Nature of interest: Attorney

Are you being compensated? Yes

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13  
9-12-20

Alexandria City Council  
301 King Street  
Alexandria, VA 22314  
September 11th, 2020

**RE: 13.21-0250 DSUP #2019-00033, #2020-00036, 116 South Henry Street - GCP Henry Street**

First, I'd like to establish that I have always advocated for the continued growth of this city, including new developments and projects that help enhance and support the community. And having been involved in this administrative process throughout, I had hoped that as a business owner, a community member, and as a fact-based witness to the project area to affect real and positive change in terms of public safety and enhancement.

As a resident, I also carried the hope that the many separate issues dealing with my inherent rights under the United States Constitution, the Virginia State Constitution, and the Alexandria City Charter would be addressed administratively as well.

This project and its developers Omar Abdul-Baki and Ahmad Abdul-Baki from Galena Capital Partners, have presented a project for submission that still has many critical issues yet to be resolved. While we have highlighted these issues thoroughly in official communications and in administrative processes, we would now like to again highlight the following points for your benefit and the public's.

My first and highest concern has been for the public safety and enhancement issues that this project still currently has not addressed. The lack of any traffic impact reports and ignoring effects to the already stifling density on Downham Way, by placing artistic features behind a private access point, and the continued growing list of special permits enlarging the mass and impact after administrative processes have completed are of dire concern to this community.

Secondly and of equal concern, this development is also set to block and sever my right-of-way access, creating troubling and reverberating effects to every adjacent property to this project where the developers are set to do the same.

When deliberating on these issues, I hope this council takes into account the many concerning obstacles the city and developer have placed on themselves by rejecting a good faith effort to find equitable solutions for all those affected. Though we have constantly communicated these concerns to the city and developer, the lack of direct response has forced this issue to be addressed here. And since there has been enough land capacity and administrative flexibility throughout this process for the developers to continually change, edit, and remake their project as they see fit, there should be little resistance in continuing to improve this undertaking and addressing the community issues set forth now.

I ask that this council address all issues of concern before moving forward. A full record of these issues can be found through the Board of Architecture Review and Planning Commission docket archives, the City Attorney's Office, General Services Office, along with relevant and supplemental materials attached to the Staff Report for this project.

Once these concerns are addressed, not only will you have a development that is free to move forward, you'll have the added pleasure of approving a project that isn't just for Galena Capital Partners and their bottom line, but one that's for your city and your community as well.

Thank you for your consideration.

Monica Malreoh  
111 South Patrick Street  
Alexandria, VA 22314



Gloria Sitton

13  
9-12-20

**From:** Mal Oh <yokomo.art@gmail.com>  
**Sent:** Monday, September 14, 2020 2:40 PM  
**To:** Stephanie Sample  
**Cc:** Mark McHugh; mcgibbs@wiregill.com; Gloria Sitton; Catherine Miliaras  
**Subject:** [EXTERNAL]116 South Henry Street Project

Ms. Sample,

I had a busy schedule the last several weeks, but am newly aware of the passage of your project at 116 South Henry Street. I heard that during the public hearing that my prescriptive easement claim I told you about became an issue that was discussed. Whoever analyzed that seemed to have a correct take on the matter of how prescriptive claims cannot run against a municipality, save for one important distinction; based on established case law including several state supreme court cases, "time against the king" does not sever established claims. So in actuality, a prescriptive easement claim established before the city owned this lot is valid, since the statute of limitations ran while the subject land was privately owned, and no claim can be extinguished by conveying or transferring any record title to the city government.

As I have just started to research all context of this situation, along with historical research of the area, I have found other and more direct tools in my bundle of rights. As Galena Capital Partners begins to finalize their ownership of the 116 South Henry parcel, I'll begin to express these inherent rights. The other issues I was advocating for in terms of public safety and public art resonated, so I can now fully invest my time into the remaining core issue of this project, the blocking and severing of my access to the public right of way.

I'd like to state that while I'm not too familiar with Virginia, even though I spent some time here during my formative years and travelled back and forth throughout my life, being born in France I certainly have a unique attitude and outlook with such matters. So when a representative such as yourself officially asks my concerns, I had thought that was a very kind gesture. But after mentioning my valid issues, there was no response to me directly. However you did share this information with your entire circle, leading to the prescriptive easement being discussed at an open hearing. I'm happy now to provide this added context to that same circle by CC'ing the related parties.

It's no secret that I'm the most audacious out of all the neighbors to this development, that much is certain. It's because unlike them, this art studio business also serves as my home, so as a local business owner and as a resident, the access to this property is of the most core importance to both of those aspects. The entirety of my resources goes to supporting all of my many artists who are all suffering mightily from this pandemic, and time is always a resource on short supply, but it looks like I'll have to focus on this issue now to make sure my rights and property are protected.

Thank you for all your assistance in this matter, I wish you well.

Best,  
Monica Malreoh  
111 South Patrick Street

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