

18
5-15-21

May 11, 2021

Lorenzo Nichols, Jr
14784 Peekskill Drive
Winter Garden, FL 34787

TO: The Mayor and City Council of Alexandria, VA

Ref: City Council Meeting Docket # 18 21-1064

Greetings,

I am in support of and humbly requesting that the application by West Street Acquisitions, LLC be approved by the City Council.

I am a current member since 1975 and former head of Lincoln Lodge # 11 in 1984. The last time I spoke in front of the City Council was over 34 years ago when our Lodge received our Special Use Permit for 1356 Madison St. Myself along with several active and retired Law enforcement officer are some of the members of Lincoln Lodge # 11.

The approval of this application will allow our Lodge to move back to this location and for us to continue our charitable mission in the City of Alexandria which we have been doing since 1865. Thanking you in advance.

Lorenzo Nichols, Jr.
Retired United States Secret Service

18
5-15-21

Hello, my name is Kenyon Wilker and I am a current resident in the Braddock Metro area, and a long-time city resident of over 25+ years. I am speaking today in support of the Braddock West development project. The reasons I am supporting it are three-fold.

1. The area immediately adjacent to the Braddock Metro has long lacked any type of density, pedestrian friendly development, or retail. This project addresses all three of those issues and seeks to help fulfill the vision that council approved in 2008 with the Braddock Metro SAP.
2. Besides it's immediate improvements, this project will act as a catalyst for the redevelopment of the Braddock Metro bus loop and Andrew Atkins houses, both of which are supported under the Braddock Metro SAP. The Braddock West project will not only help deliver the requisite residential mass required to support retail in the area, but also creates an opportunity for the City to rebuild Andrew Atkins with a more modern development that increases much needed affordable housing units in the City.
3. Finally, the developer on this project has gone out of their way to work with the community (both virtually and in person) and answered any questions or concerns may of us may have had with the project. Given the nature of civic meetings over the past year, I'm sure it's been difficult for them to connect with residents, but I applaud them for going well beyond how I've seen other developers engage with the community.

For these reasons I encourage Council to approve the Braddock West development and continue its implementation of the Braddock Metro SAP. Thank you for the opportunity to speak in support of this project.

Kenyon Wilker

18
5-15-21

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 10, 2021
TO: MAYOR WILSON AND MEMBERS OF CITY COUNCIL
FROM: KARL MORITZ, DIRECTOR, DEPARTMENT OF PLANNING & ZONING
SUBJECT: DSUP #2020-10027 / BRADDOCK WEST

ISSUE:

This memorandum serves as an update on the Braddock West development special use permit (DSUP) case since the DSUP request was denied by City Council on March 13. Since the denial vote, the applicant has done the following:

- Based on feedback from City Council, the applicant has reached out to residents of the adjacent Andrew Adkins community. This included talking with residents in the community and sharing flyers with residents about the project and meeting information. The applicant hosted an outdoor community meeting on-site for residents on April 5th where they presented the development proposal and answered questions from community members. The meeting was also streamed online and allowed for questions from online participants.
- The applicant has agreed to the conditions related to constructing the sanitary sewer which will connect to the Potomac Yard Trunk Sewer, consistent with staff's recommendation and with the Braddock Metro Neighborhood Plan. The applicant agrees to the staff-recommended change to Condition 69, outlining the size of the sanitary sewer to be installed by the applicant and how the applicant is entitled to sewer tap fee credits based on the City Code. Tap fee credits apply to the installation of sanitary sewer larger than what is needed to serve their site and for connection of offsite properties to this new sewer line.
- The applicant has also agreed to the staff report condition related to the valuation of the two public alleys located within the site. The applicant has agreed to paying the approximately \$650,000 valuation of the two alleys as determined by the Office of Real Estate Assessments (OREA) pending vacation approval. The OREA memo from March has been attached for reference.

UPDATED CONDITIONS:

Staff requests City Council recommend approval of the minor conditions changes below, which are identical to the condition changes recommended by staff for the March City Council hearing. For Condition 2, the City Council Legislative Meeting date where the DSUP approval validity period was extended based on the COVID-19 pandemic has been updated. Staff is also requesting amendments to conditions 77 and 78 to clarify the number of trash and recycling receptacles to be provided are per the

site and not per blockface. The changes to conditions 77 and 78 were mistakenly omitted from the Planning Commission recommendation action.

1. Per Section 11-418 of the Zoning Ordinance, the development special use permit shall expire and become null and void, unless substantial construction of the project is commenced within 36 months after initial approval (plus any extensions per the July 7 October 6, 2020 City Council Docket Item 19 due to the COVID-19 emergency) and such construction is thereafter pursued with due diligence. The applicant shall provide a written status report to staff 18 months after initial approval to update the City Council on the project status if substantial construction has not commenced at such time. The period of validity may be extended upon petition by the applicant and after adequate notice and public hearing. (P&Z)
- ~~69. The applicant shall be provided with a credit to be applied towards the sanitary tap fee, if the applicant connects offsite sanitary flow that currently discharges to the Commonwealth Interceptor, to the proposed sanitary sewer serving the development, which shall connect to the Potomac Yard Trunk Sewer. Based on separating the existing 8-inch sanitary sewer on N West Street, the tap fee credit shall not exceed \$600,000 unless otherwise mutually agreed upon by the applicant and the City. The applicant shall be responsible for determining the feasibility of such connection(s) prior to the first Final Site Plan submission. (T&ES) *~~
69. The applicant is required to install a 12-inch sanitary sewer from their project site to the Potomac Yard Trunk Sewer; this exceeds the requirement to provide service to the property of a 10-inch sanitary sewer. The applicant shall be provided a sewer tap fee credit for the installation of the 12-inch sanitary sewer versus the 10-inch sanitary sewer in accordance with Section 5-6-25.1(b)(2). In addition, the applicant shall be provided with a sewer tap fee credit for the connection of any offsite sanitary sewers, including the existing 8-inch sanitary sewer on N West Street. The applicant shall be responsible for determining the feasibility of such connection(s) prior to the first Final Site plan submission. (T&ES)
77. Provide \$1402 per receptacle to the Director of T&ES for purchase and installation of one (1) Victor Stanley Ironsites Series model SD-42 black receptacle with Dome Lid ~~per block face~~ dedicated to trash collection. The receptacle(s) shall be placed in the public right of way to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan. (T&ES) *
78. Provide \$1626 per receptacle to the Director of T&ES for the purchase and installation of three (3) Victor Stanley Ironsites Series Model SD-42 blue receptacle with Dome Lid, approved dome decals, and approved band ~~per blockface~~ dedicated to recycling collection. The receptacle(s) shall be placed in the public right of way to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in ~~[AB1] [AB2] [AB3]~~ the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan. (T&ES) *

STAFF:

Karl Moritz, Director, P&Z
Robert M. Kerns, AICP, Chief of Development, P&Z
Catherine Miliaras, AICP, Principal Planner, P&Z
Michael Swidrak, AICP, Urban Planner, P&Z
Lalit Sharma, PE, Deputy Director, T&ES
William Skrabak, Deputy Director, T&ES
Erin Bevis-Carver, PE, Acting Division Chief, T&ES

ATTACHMENTS:

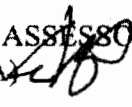
1 – Memo on Vacation (VAC #2020-00004) of Two Public Alleys in 700 Block of N. West Street from Bryan Page, Office of Real Estate Assessments, dated March 9, 2021

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 9, 2021

TO: KARL MORITZ, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: WILLIAM BRYAN PAGE SRA, RM, REAL ESTATE ASSESSOR
OFFICE OF REAL ESTATE ASSESSMENTS (OREA) 

SUBJECT: VACATION OF TWO PUBLIC ALLEYS ON THE EAST SIDE OF N. WEST STREET BETWEEN ITS INTERSECTION WITH MADISON STREET AND WYTHE STREET

ADDRESS: 700 BLOCK NORTH WEST STREET, ALEXANDRIA, VA 22314

PROJECT: VACATION #2020-0004

Per your request, we have reviewed the proposed vacation of two public alleyways located on the east side of North West Street between that artery's intersection with Madison Street and Wythe Street across from the Braddock Road Metro Station. They are primarily asphalt-paved measuring 11.58 feet wide by 107.1 feet (Southwest Alley) and an average of 120.71 feet deep (Northwest Alley). Both are recoded among the City land records within Deed Book 88, at Page 152. They contain a combined land area of 2,724 square feet (1,244 SF Southwest Alley; 1,480 SF Northwest Alley) and are part of a proposed development plan (DSUP 2020-10027) by West Street Acquisitions LLC to rezone (REZ 2020-0004) 41,398 square feet from RB to OCH for the development of 180 multi-family rental units with ground floor retail and flex space. Fourteen of the 180 units will be developed and maintained as affordable, leaving 166 market rate units. The project will be known as Braddock West. The land area of both alleys were used in the calculation of density (number of units).

Neither of the alleyways can be individually developed, and assemblage with the redevelopment of single-family uses does not constitute the highest and best use. It would also be contrary with recommendations within the Braddock Road Metro Station Small Area Plan which envisions redevelopment of higher density hotel or office uses with streetscape neighborhood retail. Given the lack of demand for either hotel or office, the redevelopment with mixed-use multi-family represents the current highest and best use. As such, the West Street Acquisitions LLC is requesting a Master Plan Amendment (MPA 2020-00008) for this type of development.

The value of the proposed vacation was estimated using the CY 2021 assessed land values of stick built midrise multi-family parcels in the immediate neighborhood and those that possess similar characteristics located elsewhere in the City. It has been OREA's experience that affordable

dwelling unit land values are essentially revenue neutral. In other words, their value in isolation from the market rate units closely approximate the hard and soft costs to construct the improvement components. Recent multi-family land sales were also used in the analysis.

Research indicates that assessments and recent sales range from \$68,000 per unit to \$90,700 per unit. However, unlike other projects the subject will incur additional site development costs ranging from \$1,750,000 to \$2,000,000 in order to provide sanitary sewer to the property. These additional costs act to place significant downward pressure on the per unit rate. Given all the factors that impact the economic feasibility of this property relative to site development, the OREA is of the opinion that an as-is assessed value of **\$58,500 per unit to \$60,000 per unit** is reasonable. Using a proportional relationship of units to acreage, it is estimated that the two alleyways will support 11 of the proposed 180 multi-family units.

Based on the foregoing discussion, the proposed vacation of the two alleyways have a combined prospective estimated assessment ranging from **\$643,500 (11 units x \$58,500 per unit)** to **\$660,000 (11 Units x \$60,000 per unit)**.

Six Hundred Forty-Three Thousand Five Hundred Dollars
to Six Hundred Sixty Thousand Dollars

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on 2021 assessed land values of similarly zoned parcels intended for multifamily development and complies with City policies and guidelines regarding vacations.

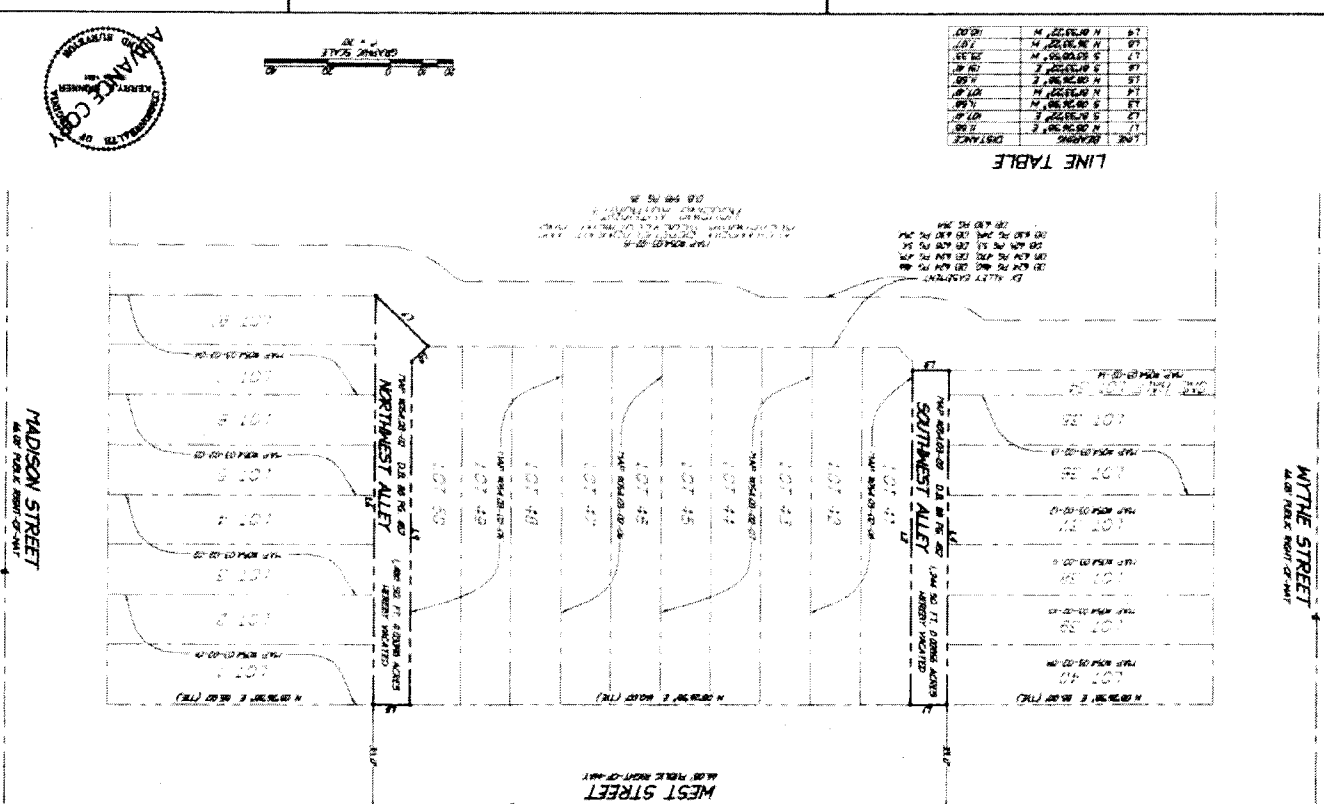
Attachments

Vacation Plat: August 12, 2020
Legal Descriptions: Metes and Bounds (Deed Book 89, Page 125)

cc: Michael Swidrak AICP, Urban Planner
Catherine Miliaras, Principal Planner

LINE	BEARING	DISTANCE
1	N 89° 50' 00" E	1.00
2	S 89° 50' 00" E	1.00
3	N 89° 50' 00" E	1.00
4	S 89° 50' 00" E	1.00
5	N 89° 50' 00" E	1.00
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47	N 89° 50' 00" E	1.00
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69	N 89° 50' 00" E	1.00
70	S 89° 50' 00" E	1.00
71	N 89° 50' 00" E	1.00
72	S 89° 50' 00" E	1.00
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89	N 89° 50' 00" E	1.00
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98	S 89° 50' 00" E	1.00
99	N 89° 50' 00" E	1.00
100	S 89° 50' 00" E	1.00

LINE TABLE



2 OF 2
SHEET NO.
DRAWN BY
DATE: 05/20/20
SCALE: 1"=50'
NOTES:

NORTHWEST ALLEY & SOUTHWEST ALLEY
BRADDOCK WEST
CITY OF ALBANY, PENNSYLVANIA

christopher
consultants
1001 11th Ave.
Albany, NY 12206
(518) 255-1111



DESCRIPTION

NORTHWEST ALLEY (Deed Book 89 Page 1)

Square bounded by N. West Street to the West, Wythe Street to the South,
N. Fayette Street to the East and Madison Street to the North
Lying and being in
City of Alexandria, Virginia
But more particularly described by metes and bounds as follows:

Beginning at a remote point of beginning being the intersection of the easterly line of N. West Street and the southerly line of Madison Street;

Thence departing the southerly line of Madison Street and with the easterly line of N. West Street and the westerly line of Lot 1 - S 08°26'38" W a distance of 85.00 feet to a point being the northwest corner of a Public Alley (Deed Book 89 Page 1) and the true point of beginning;

Thence departing N. West Street and with the southerly lines of Lots 1 through 8 - S 81°33'22" E a distance of 131.41 feet to a point on the westerly line of N/F Alexandria Redevelopment and Housing Authority (Deed Book 595 Page 35) said point also being the westerly line of an existing Alley Easement (Deed Book 624 Page 460 et al);

Thence departing the southerly lines of Lots 1-8 and with the westerly line of N/F Alexandria Redevelopment and Housing Authority S 53°08'55" W a distance of 23.33 feet to a point on the northerly line of Lot 50;

Thence departing the westerly line of N/F Alexandria Redevelopment and Housing Authority and with the northerly line of Lot 50 N 36°33'22" W a distance of 7.07 feet to a point and N 81°33'22" W a distance of 110.00 feet to a point on the easterly line of N. West Street;

Thence departing the northerly line of Lot 50 and with the easterly line of N. West Street N 08°26'38" E a distance of 11.58 feet to the point and place of beginning.

Containing an area of 1,480 square feet or 0.0340 acres, more or less.



DESCRIPTION

SOUTHWEST ALLEY (Deed Book 89 Page 1)

Square bounded by N. West Street to the West, Wythe Street to the South,
N. Fayette Street to the East and Madison Street to the North

Lying and being in
City of Alexandria, Virginia

But more particularly described by metes and bounds as follows:

Beginning at a remote point of beginning being the intersection of the easterly line of N. West Street and the northerly line of Wythe Street;

Thence departing the northerly line of Wythe Street and with the easterly line of N. West Street and the westerly line of Lot 40 - N 08°26'38" E a distance of 85.00 feet to a point being the southwest corner of a Public Alley (Deed Book 89 Page 1) and the true point of beginning;

Thence continuing with the easterly line of N. West Street N 08°26'38" E a distance of 11.58 feet to a point on the southerly line of Lot 41;

Thence departing N. West Street and with the southerly line of Lot 41 - S 81°33'22" E a distance of 107.41 feet to a point on the westerly line of N/F Alexandria Redevelopment and Housing Authority (Deed Book 595 Page 35) said point also being the westerly line of an existing Alley Easement (Deed Book 624 Page 460 et al);

Thence departing the southerly line of Lot 41 and with the westerly line of N/F Alexandria Redevelopment and Housing Authority S 08°26'38" W a distance of 11.58 feet to a point on the northerly line of the western half of Lot 34;

Thence departing the westerly line of N/F Alexandria Redevelopment and Housing Authority and with the northerly lines of Lots 34-40 N 81°33'22" W a distance of 107.41 feet to the point and place of beginning.

Containing an area of 1,244 square feet or 0.0286 acres, more or less.

18
5-15-21

BOGORAD & RICHARDS PLLC
ATTORNEYS AT LAW

209 MADISON STREET, STE 501
ALEXANDRIA, VIRGINIA 22314-1764

JOHN THORPE RICHARDS, JR.*
STEPHEN A. BOGORAD*

(703) 457-7820

*ADMITTED IN DC, MD & VA

FAX: (703) 457-7824

WWW.BOGORADRICHARDS.COM

May 13, 2021

By E-Mail

The Hon. Justin M. Wilson
The Hon. Elizabeth B. Bennett-Parker
The Hon. Canek Aguirre
The Hon. John Taylor Chapman

The Hon. Amy B. Jackson
The Hon. Redella S. "Del" Pepper
The Hon. Mohamed E. "Mo" Seifeldein

c/o City Clerk
Gloria.Sitton@alexandriava.gov
Alexandria City Hall
301 King Street
Alexandria, Virginia 22314

**Re: May 15, 2021 Agenda Item # 18, File Number 21-1064:
Consideration of Master Plan Amendment #2020-00008; Rezoning
#2020-00004; Development Special Use Permit #2020-10027;
Transportation Management Plan Special Use Permit #2020-
00076; Vacation #2020-00004 1352, 1356, 1360, and 1362 Madison
Street; 711, 715, 719, and 727 North West Street; 1319, 1321, 1323,
1325, 1327, and 1329 Wythe Street - Braddock West**

Dear Mayor Wilson and Members of the Council:

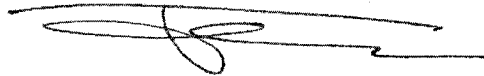
As you know from my prior correspondence on this matter, this firm represents John E. Craig in connection with the above referenced item that has been published on the Agenda for your May 15, 2021 meeting of the City Council. I write to lodge Mr. Craig's formal objection to your proceeding with the consideration of these applications in violation of Alex. Zon. Ord. § 11-904(D) ("Processing of master plan amendment."); Alex. Zon. Ord. § 11-805(D) ("Processing of zoning amendment"); and Alex. Zon. Ord. § 11-507 ("Reconsideration"). The illegality of your continued consideration of the applications is fully outlined in the attached Complaint filed in the Circuit Court for the City of Alexandria and provided to the City Attorney on May 3, 2021, which I respectfully request be included in the record of this matter.

Alexandria City Council
File Number 21-0959
May 13, 2021
Page 2

Simply put, your consideration of these matters is a wasteful use of the taxpayer's resources because it is barred by the Alexandria Zoning Ordinance and any action you purport to take in violation of those laws will be void.

Mr. Craig reserves all of his rights and remedies in this matter.

Very truly yours,



John Thorpe Richards, Jr.

Counsel for John E. Craig

JTR/ban
Enclosure

cc. Mark Jinks (By E-Mail: mark.jinks@alexandriava.gov)
Joanna C. Anderson (By E-Mail: joanna.anderson@alexandriava.gov)
Travis Macrae (By E-Mail: travis.macrae@alexandriava.gov)
Jonathan P. Rak (By E-Mail: jrak@mcguirewoods.com)

2021_05_13_lt_AlexandriaCityCouncil_May15.docx

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

JOHN E. CRAIG
627 North West Street
Alexandria, Virginia 22314,

Plaintiff,

v.

THE CITY COUNCIL OF ALEXANDRIA,

SERVE: Joanna C. Anderson
City Attorney
301 King Street, Room 1300
Alexandria, Virginia 22314,

and

WEST STREET ACQUISITIONS LLC,

SERVE: Corporation Service Company
Registered Agent
100 Shockoe Slip Fl 2
Richmond, VA, 23219-4100,

Defendants.

Case No.

CL21001540

FILED
CLERK OF COURTS
CITY OF ALEXANDRIA
2021 MAY -3 AM 10:17
BY
J. GREG TERRY, CLERK
DEPUTY CLERK

COMPLAINT

Introduction

This Complaint concerns the important issue of whether the City Council of Alexandria is required to follow and observe the laws that have been enacted to protect the City Council, the City Staff, and the public from the burdens of repeated consideration of contentious zoning applications without a mandatory rest or cooling off period as provided by three separate and unequivocal provisions of the Alexandria Zoning Ordinance. The plaintiff, John E. Craig, is a citizen, taxpayer, owner, and resident of his house at 627 North West Street, Alexandria, Virginia

which is approximately 100 feet from the proposed “Braddock West” development that was denied major rezoning and Special Use Permits by the City Council on March 13, 2021. Mr. Craig appeared before both the Planning Commission and the City Council at their advertised public hearings to oppose the Braddock West development. Mr. Craig had every reason to expect that the City Council’s denial of the applications on March 13, 2021 would be the last action taken by the City Council on the identical applications for a period of one year. By then, there will have been an election and a new City Council will be responsible for any further decisions about the Braddock West development.

Over Mr. Craig’s written and oral objections, in the early morning hours of April 28, 2021, the City Council illegally purported to rescind its March 13, 2021 denial and scheduled a re-vote on the applications for May 15, 2021. Mr. Craig therefore brings this action for declaratory and injunctive relief to require the City Council to follow the laws it enacted to protect the residents, property owners and taxpayers from the precise efforts to “do-over” denied zoning applications like that for the Braddock West development. In support of his Complaint, Mr. Craig avers and alleges as follows:

Jurisdiction and Venue

1. This court has jurisdiction over this declaratory judgment action pursuant to Va. Code Ann. § 8.01-184 and § 15.2-2208. Venue is proper in the court pursuant to Va. Code § 261.

Parties

2. John E. Craig is the owner and occupant of his house located at 627 North West Street in Alexandria, Virginia. Mr. Craig has been paying real estate taxes on his property for nearly 20 years. As a taxpayer he has an interest in ensuring that the Alexandria City Council does

not waste taxpayer funds by expending time, effort, and money pursuing activities that are prohibited by the positive and binding provisions of the City Ordinances.

3. The defendant The City Council of Alexandria (“City Council”) is the elected legislative body of the City of Alexandria responsible, *inter alia*, for the enactment of amendments to the Alexandria Zoning Ordinance, including Master Plan Amendments, Rezoning Applications and Special Use Permits (including Development Special Use Permits and Transportation Management Plan Special Use Permits) pursuant to Alex. Zon. Ord., Art. XI.

4. The defendant West Street Acquisitions LLC (“West Street LLC”) is a Virginia Limited Liability Company formed on March 15, 2017, which on August 17, 2020 filed with the City of Alexandria applications for Master Plan Amendment #2020-0008, Rezoning #2020-0004, Development Special Use Permit #2020-10027, Transportation Management Plan Special Use Permit #2020-00076 and Vacation #2020-00004 for the Braddock West Development at 1352, 1356, 1360, and 1362 Madison Street, 1319, 1321, 1323, 1325, 1327, and 1329 Wythe Street (hereinafter the “Zoning Applications”). The Zoning Applications are attached to and form a part of the City Staff Report # 21-0831, which is freely available on the City’s website at <https://alexandria.legistar.com/LegislationDetail.aspx?ID=4818558&GUID=7197B1FF-60E8-47CA-8521-D3165A556BA0&Options=&Search=>) and subject to judicial notice pursuant to Va. R. Evid. 2:201. The company’s principal office is located at 4401 Wilson Boulevard, Suite 600, Arlington, Virginia. Its registered agent is Corporation Service Company, 100 Shockoe Slip Fl 2, Richmond, VA, 23219-4100.

Factual Background

5. John E. Craig ("Craig") has resided in his home at 627 North West Street since January of 2002. Craig's property, Tax Map. Number 054.03-06-27, is more particularly described as:

Lot numbered Five Hundred Thirty-Five (535), of the Resubdivision of Lots 28 through 36, inclusive, of the subdivision of the square bounded by Wythe, Pendleton, Payne and West Street, as shown on a plat entitled "Subdivision Plat North West Townhouses, City of Alexandria, Virginia", attached to deed of resubdivision recorded in Deed Book 1284 at Page 1909, among the land records of City of Alexandria, Virginia.

Deed Book 020002788 PG 0990 in the City of Alexandria Land Records. The Deed to his property, and the Deed of resubdivision at Deed Book 1284 Page 1909 are subject to judicial notice pursuant to Va. R. Evid. 2:201.

6. The assemblage of property that is subject to the Zoning Applications is located approximately 100 feet from Craig's home at 627 North West Street, on the other side of Madison Street. *See Exhibit 1 (attached).*

7. The Zoning Applications sought approval of a major intensification of zoning density and use of the property two houses away from Craig's home. *See City Staff Report # 21-0831.*

8. Given his close proximity to the proposed Braddock West development, Craig has responded to the public notices for the City's consideration of the Zoning Applications. He attended and spoke in opposition to the Zoning Applications at the Planning Commission hearing on the Zoning Applications held on December 1, 2020. Staff Report # 21-0831 at 4.

9. Craig has been extremely concerned about the impact of the Braddock West development and the failure of the City to adequately mitigate the severe flooding before increasing the density and use of the property in his neighborhood. The existing flooding in his

neighborhood is already a serious public health and welfare issue with repeated severe flooding causing extensive property damage to Craig's property and other properties in the area. Unless the City either expends the funds to mitigate the flooding, or requires new development to do so, Craig's home and property will continue to suffer repeated and severe flood damage. He therefore has a direct financial interest in ensuring that the Braddock West rezoning and special use permits, which will greatly increase the allowable building density, are not granted on inadequate terms and conditions.

10. In response to the notice of a public hearing on the Zoning Applications before the City Council, on March 13, 2021, Craig attended the City Council meeting to oppose to the Zoning Applications. To take advantage of the limited time provided to citizens to express their opposition to requests in these matters, Craig prepared a slide presentation which he used to speak to as part of his opposition. The City of Alexandria records its City Council meetings on video and posts those video records of the City Council's proceedings on its website so that they are freely available to the public. The video recording of the March 13, 2021 hearing is available at http://alexandria.granicus.com/MediaPlayer.php?view_id=57&clip_id=4906 and is subject to judicial notice pursuant to Va. R. Evid. 2:201. Craig's testimony in opposition, including his slide presentation, begins at time stamp 5:12. Craig invested substantial amounts of time and energy evaluating the Zoning Applications and appearing in opposition to the Zoning Applications.

11. At the conclusion of the March 13, 2021 Public Hearing on the Zoning Applications, the majority of the members of the City Council voted to deny the application. *See* March 13, 2021 Video at Time Stamp 6:46. Specifically, after Ms. Pepper's motion to approve failed on a 3-4 vote (Wilson, Parker, Pepper: Yes; Aguirre, Chapman, Jackson, Seifeldein: No), the Mayor called for a motion to deny the applications in order, as the City Attorney confirmed,

“so that its clear that’s what you’re going forward with.” Video at 6:47. That motion to deny passed 4-3 (Aguirre, Chapman, Jackson, Seifeldein: Yes; Wilson, Parker, Pepper: No). At the end of the day, there was a unanimous vote to adjourn the session. Video at 6:48.

12. By Statute, the General Assembly has specifically authorized the City to adopt restrictions on the ability of the City Council to repetitively consider zoning amendments. Va. Code Ann. § 15.2-2286 (“the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition ***will not be reconsidered*** within a specific period, not exceeding one year.”)(emphasis added). The City of Alexandria has done so, and its Zoning Ordinance has been adopted specifically and expressly to prevent the consideration of denied zoning and SUP applications for specified periods of time after the City Council has denied the request. *See* Alex Zon. Ord. § 11-507, § 11-805(D), and § 11-904(D).

13. After the City Council session was adjourned on March 13, 2021, reconsideration of the denial of the proposed Master Plan Amendment #2020-0008, is expressly prohibited by the Zoning Ordinance for the period of one year:

Reconsideration of application. The subject matter of an application for a map amendment which has been denied by the city council shall not be considered thereafter by the planning commission or the city council for a period of one year unless the new application differs in a material respect from the application which was denied, in which case it may be considered after a period of six months.

Alex. Zon. Ord. § 11-904(D)(“Processing of master plan amendment.”)(emphasis added).

14. After the denial, consideration of the application for Rezoning #2020-0004, is expressly prohibited for the period of one year by an identical provision of the ordinance:

Reconsideration of application. The subject matter of an application for a map amendment which has been denied by the city council shall not be considered thereafter by the planning commission or the city council for a period of one

year unless the new application differs in a material respect from the application which was denied, in which case it may be considered after a period of six months.

Alex. Zon. Ord. § 11-805(D)(“Processing of zoning amendment”)(emphasis added).

15. Reconsideration of the City Council’s denial of the Development Special Use Permit #2020-10027, and Transportation Management Plan Special Use Permit #2020-00076, is expressly prohibited for a period of one year by a similar provision of the Zoning Ordinance.

If an application for a special use permit is denied by city council, neither the planning commission *nor city council shall consider an application for the same special use on the same site again within one year of the date of denial* unless the new application differs in a substantial and material way from the prior one, in which case it may be reconsidered after six months.

Alex. Zon. Ord. § 11-507 (“Reconsideration”)(emphasis added). Moreover, the DSUP’s are completely dependent on the rezoning applications.

16. Notwithstanding the clear and unequivocal provision of the Zoning Ordinance prohibiting “*any consideration*” of the denied applications for one year, on April 6, 2021, without any prior notice to the public, a member of the City Council requested that a motion to rescind the March 13, 2021 vote denying the Zoning Applications be placed on the calendar for consideration at the April 27, 2021 session of the City Council. The consideration proposed at the April 6, 2021 hearing was prohibited by Alex Zon. Ord. § 11-507, § 11-805(D), and § 11-904(D). Nonetheless the City Council placed a motion to rescind its prior denial on the City Council’s docket for April 27, 2021.

17. In a Memorandum from the City Manager to the City Council dated April 21, 2021, the City Manager purported to advise the City Council that they had the authority and ability to rescind their prior vote denying the Zoning Applications. *See* Exhibit 2 (attached). The City Manager’s Memorandum ignored the mandatory language of Alex Zon. Ord § 11-805(D) and §

11-904(D) which prohibit *“any consideration”* of the Master Plan Amendment and the Rezoning application, or the command that *“neither the planning commission nor city council shall consider an application for the same special use on the same site again within one year of the date of denial....”* Alex. Zon. Ord. § 11-507 (emphasis added).

18. Alarmed at the plan to violate the City Ordinance in such flagrant fashion, Mr. Craig engaged counsel to warn the City Council that its proposed actions were illegal, and, if carried forward would be void because rescinding the denial is barred by the clear and unequivocal language of the Zoning Ordinance. Accordingly, on April 26, 2021, Craig’s counsel filed with the City Clerk the letter attached hereto as Exhibit 3. The letter was also delivered directly to each member of the City Council and copied to the City Manager, the City Attorney, and the lawyer representing West Street LLC before the City Council.

19. Notwithstanding the clear notice provided by the April 26, 2021 Letter warning of the illegality of its proposed action, the City Council proceeded with a vote to rescind its March 13, 2021 denial of the Zoning Applications. The vote was taken in the early hours of the morning on April 28, 2021. The City Council meeting that started on April 27, 2021 went so late that the video recording had to be broken into two parts, but the illegal consideration of the motion to rescind is on full display at time stamp 1:30 of Part 2 of the recording, available at: http://alexandria.granicus.com/MediaPlayer.php?view_id=57&clip_id=4992 (“April 28 Video Part 2”). The recording is subject to Judicial Notice pursuant to Va. R. Evid. 2:201.

20. In disregard of its clear legal obligation to refrain from consideration of the denied Zoning Applications, the City Council nevertheless illegally voted 5-2 to rescind its March 13, 2021 vote (Wilson, Aguirre, Chapman, Parker, Pepper: Yes; Jackson, Seifeldein: No). It then proceeded to schedule consideration and a re-vote on the Zoning Applications for the City Council

meeting on May 15, 2021, as well as authorize the advertisement of the vote for that date, all in contravention of the Zoning Ordinance.

21. The City Attorney confirmed on the record that a successful vote to rescind would place the identical Zoning Applications that had been denied on March 13, 2021 back before the City Council for consideration. The City Council is therefore not planning to consider a “substantially new application [that] differs in a material respect from the application which was denied” when it considers the Zoning Applications on May 15, 2021 (or at any other date).

22. After the illegal vote was taken, but before the session adjourned, Craig was allowed to address the City Council briefly and reiterated his objection to the illegal action to rescind the denial of the Zoning Applications. *See* April 28 Video Part 2 at Time Stamp 1:54. In addition to stressing the objections set forth in Exhibit 3, Craig correctly observed: “It is a serious burden to neighbors, taxpayers and citizens like me to respond to rezoning requests, and we are entitled to the period of rest required by the Zoning Ordinance after you have denied a zoning application. The law says we only have to go through this once a year.”

23. The terms of the current council will end before the one-year cooling off period mandated by the Zoning Ordinance has passed. At least two members of the City Council who have voted to approve the Zoning Applications in their current form (Councilwomen Pepper and Parker) have announced that they are not running for reelection. Proper observance of the Zoning Ordinance therefore means that it will be for a future City Council, composed of different elected members of Council, who may reconsider the Zoning Applications. The denial of the Zoning Applications of March 13, 2021 therefore gave Craig and the rest of the Alexandria electorate the vested and fundamental right to have these applications reviewed again, if at all, by the next City Council following the upcoming elections.

24. As a taxpayer, resident and owner of the property located approximately 100 feet from the Braddock West project, Craig has been deprived of his legal right to have the Zoning Ordinances properly observed, and one year finality of the denial of the Zoning Applications which he actively and personally opposed enforced. As an active participant in the rezoning hearings, whose property, health, and safety will be directly and adversely affected by the grant of the Zoning Applications and the authorization of construction without proper flood remediation, Craig has a direct and personal interest in vindicating the proper observance of Alex Zon. Ord. § 11-507, § 11-805(D), and § 11-904(D).

25. As a taxpayer, Craig has a direct interest in preventing the City Council from improperly expending City resources and funds to illegally advertise and consider Zoning Applications that were denied a mere seven weeks earlier. Neither Mr. Craig, nor any other citizens of Alexandria, should be put to the considerable burden of reviewing and responding to repetitious zoning applications and hearings designed to wear down opposition through well financed persistence in violation of the protections authorized by the Code of Virginia and enacted into law by the City Council. Nor should the taxpayers and the City be exposed to the expenditures of acting on rezoning and SUP applications that would be legally void if granted.

26. The actions of the City Council rescinding their denial of the Zoning Applications on March 13, 2021 is prohibited by the plain language of Alex Zon. Ord. § 11-507, § 11-805(D), and § 11-904(D).

27. An actual controversy exists concerning the City Council's claimed authority to avoid the provisions of Alex Zon. Ord. § 11-507, § 11-805(D), and 11-904(D), through the expedient of rescinding its denials of Zoning and Special Use applications.

28. Absent a declaration of the proper application of Alex Zon. Ord. § 11-507, § 11-805(D), and § 11-904(D), the City Council will likely repeat its violations of the Zoning Ordinances in the future and will regard itself as unrestrained by the plain language of the Ordinances, thereby illegally and unreasonably imposing on Craig and all citizens and taxpayers the expense and burdens that are intended to be avoided by Va. Code Ann. § 15.2-2286(A)(7) and Alex. Zon. Ord. § 11-507, § 11-805(D), and § 11-904(D).

29. It is well-settled law that “in cases where the legislative act is shown to have been taken outside the scope of the legislative body to so act, the act will be held to be void and unreasonable, arbitrary, and capricious as a matter of law without the need of further proof.” *Cacheris v. City Council for the City of Alexandria*, 103 Va. Cir. 30 (Cir. Ct. Alexandria, Aug. 13, 2019)(citing *Rekey v. County Board of Arlington*, 272 Va. 369, 376 (2006)). Failure to observe the requirements of the Zoning Ordinance renders the action by City Council void *ab initio*. *Cf. City Council of City of Alexandria v. Potomac Greens Assoc. P’ship*, 245 Va. 371, 378, 429 S.E. 2d 225, 228 (1993).

30. The plaintiff is therefore entitled to a declaration that the action of the City Council purporting to rescind its denial of March 13, 2021 is void, and that any further actions by the City Council on the same subject matter as the Zoning Applications or on the application for the same special use on the same site are prohibited until March 14, 2022.

31. The plaintiff is entitled to a permanent injunction as additional relief to prohibit the City Council from further consideration of the Zoning Applications during the one year cooling off period. Va. Code Ann. § 8.01-186; Va. Code Ann. § 15.2-2208.

WHEREFORE, the plaintiff prays that this honorable court will enter judgment on his behalf declaring that the April 28, 2021 action of the City Council to rescind its March 13, 2021 denial of the Zoning Applications is prohibited by the provisions of Alex Zon. Ord. § 11-507, § 11-805(D) and § 11-904(D) and is void; that any further actions by the City Council on the same subject matter as the Zoning Applications or on the application for the same special use on the same site prior to March 14, 2022 will be void; and that the court will enter an injunction prohibiting any further actions by the City Council on the same subject matter as the Zoning Applications or on the application for the same special use on the same site until March 14, 2022; together with such further and additional relief the court deems just and proper.

Respectfully submitted,

JOHN E. CRAIG
By Counsel

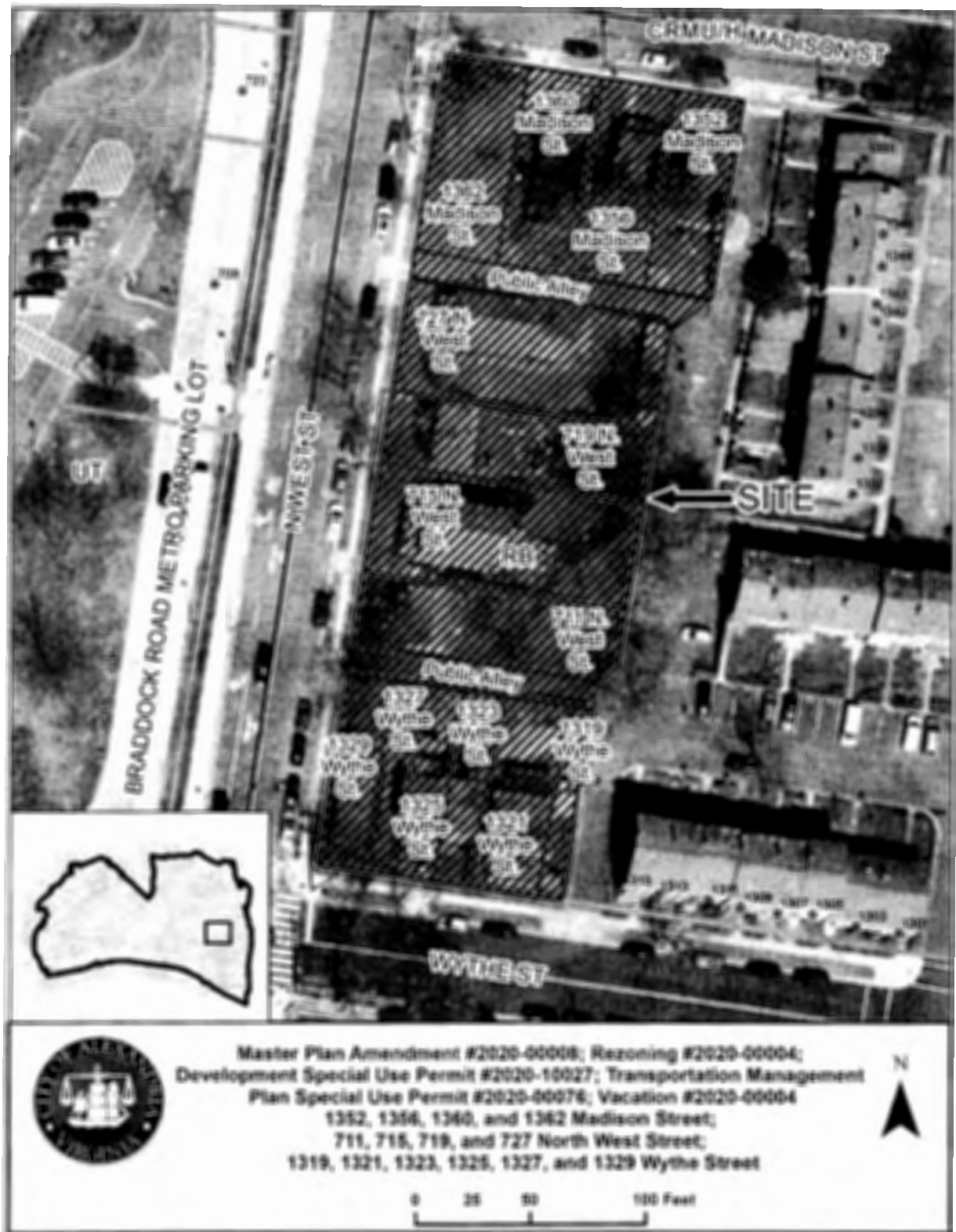


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Date: May 3, 2021

EXHIBIT 1 TO COMPLAINT

MPA2020-00008; REZ2020-00004
IP SUP2020-00076; VAC2020-00004
727 N. West Street – Braddock West



PROJECT LOCATION MAP



City of Alexandria, Virginia

Map Title

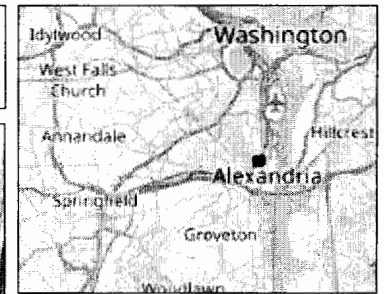


376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Alexandria, VA

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Tax Map Index
- Parcels
- Blocks
- Metro Stations
- Metro Lines**
 - Blue
 - Yellow
 - Yellow Blue
- City Boundary
- Rail Lines
- Parcels
- Buildings
- Surface Water
- Streams
- Parks
- City of Alexandria

Notes

EXHIBIT 2 TO COMPLAINT



Legislation Text

File #: 21-0959, Version: 1

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 21, 2021

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Consideration of a motion to rescind the vote denying the request for Master Plan Amendment #2020-0008, Rezoning #2020-0004, Development Special Use Permit #2020-10027, Transportation Management Plan Special Use Permit #2020-00076 and Vacation #2020-00004 for the Braddock West Development at 1352, 1356, 1360, and 1362 Madison Street, 1319, 1321, 1323, 1325, 1327, and 1329 Wythe Street.

ISSUE: Consideration of a motion to rescind the decision denying the development approvals necessary for the Braddock West development project.

RECOMMENDATION: City Council consider a motion to rescind the vote of March 13 and schedule the development applications for consideration at the May 11, 2021 legislative meeting or schedule the development applications for a public hearing followed by final consideration at the May 15, 2021 public hearing.

BACKGROUND: At the public hearing on Saturday, March 13, 2021, City Council held a public hearing and considered the land use applications for the development project known as "Braddock West" on Madison and Wythe Streets. After discussion and deliberation, a motion was made to approve the applications which failed 3-4. Immediately following that, a motion was made to deny the applications which passed 4-3. The result of the vote is that the applications are denied, and the developer cannot move forward with the development proposal.

DISCUSSION: At the City Council legislative meeting on Tuesday, April 6, 2021, during the oral reports, Councilman Aguirre indicated that he understood that the developer has been addressing the concern regarding the lack of contact with the adjacent ARHA development and requested that a motion to rescind the vote be placed on the docket for City Council's consideration on Tuesday, April 27, 2021.

A motion to rescind is authorized pursuant to Section 2-1-49, included below for Council's reference, and is allowed at any time after the vote has taken place. In accordance with Robert's Rules, the vote may not be rescinded if it has been relied upon. In this case, since this vote was a denial of the project, staff does not see any reliance on the vote and therefore, believes it can be rescinded if the Council decides to do so.

Sec. 2-1-49 - Reconsideration of questions.

(a) A motion to rescind any prior final vote or action of city council may be entertained at any time; provided,

that no such motion, made at a special meeting, shall be entertained unless there are present at such special meeting at least the number of council members as were present when the vote or action to be rescinded occurred.

(b) No motion to reconsider any prior final vote or action of city council shall be entertained, unless such motion is made prior to the adjournment, or the recess if the meeting be recessed, of the meeting at which the vote or action to be reconsidered occurred, and such motion is made by a council member who voted on the prevailing side with respect to such vote or action.

(c) As used in this section, the terms "meeting", "adjournment" and "recess" have the meaning commonly attributed to them by the practice and procedure of the city council, notwithstanding any contrary meaning or definition set forth in Robert's Rules of Order.

The result of a motion to rescind is that the question of whether to approve or deny the requested land use applications is back on the table for consideration. The City Charter and Zoning Ordinance require that the City Council hold a public hearing on land use applications before they are considered. A public hearing was held on these applications on March 13, 2021. Staff believes that this legal requirement has been satisfied. However, if City Council chooses, it may hold a second public hearing on the applications just to be sure the public is aware and can comment on the City Council's second consideration of these applications.

FISCAL IMPACT: N/A

ATTACHMENTS: None

STAFF:

Joanna Anderson, City Attorney

EXHIBIT 3 TO COMPLAINT

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***ADMITTED IN DC, MD & VA**

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April 26, 2021

By E-Mail

The Hon. Justin M. Wilson
The Hon. Elizabeth B. Bennett-Parker
The Hon. Canek Aguirre
The Hon. John Taylor Chapman

The Hon. Amy B. Jackson
The Hon. Redella S. "Del" Pepper
The Hon. Mohamed E. "Mo" Seifeldein

c/o City Clerk
Gloria.Sitton@alexandriava.gov
Alexandria City Hall
301 King Street
Alexandria, Virginia 22314

**Re: April 27, 2021 Agenda Item # 18, File Number 21-0959:
Consideration of a motion to rescind the vote denying the request
for Master Plan Amendment #2020-0008, Rezoning #2020-0004,
Development Special Use Permit #2020-10027, Transportation
Management Plan Special Use Permit #2020-00076 and Vacation
#2020-00004 for the Braddock West Development at 1352, 1356,
1360 and 1362 Madison Street, 1319, 1321, 1323, 1325, 1327 and 1329
Wythe Street**

Dear Mayor Wilson and Members of the Council:

This firm represents John E. Craig in connection with the above referenced item that has been published on the Agenda for your April 27, 2021 meeting of the City Council. Mr. Craig appeared before you in opposition to the applications which were denied at your public hearing on Saturday, March 13, 2021. We write to object to your consideration of the proposed motion to rescind because the action is expressly barred by the clear and unequivocal provisions of the Alexandria Zoning Ordinance enacted to prohibit the exact actions proposed in the City Manager's Memorandum dated April 21, 2021. **The proposed motion to rescind the final City Council vote denying the Braddock West applications on March 13, 2021 is illegal and should not be allowed.**

Alexandria City Council
File Number 21-0959
April 26, 2021
Page 2

I. Mr. Craig's Interest in Ensuring Compliance with the Law that Prohibits Recission by this Council of its Final Vote on a Zoning Application

All citizens, taxpayers and property owners in Alexandria should be outraged by the illegal proposal to rescind the final vote that was duly taken on March 13, 2021. But having appeared at the March 13th public hearing in opposition to the proposed zoning applications, Mr. Craig has a heightened interest in insuring the City Council follows the Rules in this case.

John Craig owns and lives in his home located at 627 North West Street, Alexandria, Virginia, Tax Map Number 054.03-06-27. See Deed Book 020002788 PG 0990 in the City of Alexandria Land Records. Mr. Craig purchased his home in January of 2002 and has been a citizen of Alexandria and paid real estate taxes on his property in Alexandria for more than 19 years.

His property is approximately 100 feet away from the proposed Braddock West project. (See attached map.).

As you heard directly from Mr. Craig during the public hearing on March 13, 2021, he has serious concerns about any approval of the requested zoning amendments and SUP applications because the plans for the property and its surroundings have failed to adequately address the dangerous flooding that regularly occurs at the site and surrounding properties, among other concerns.

II. The City Council Properly Denied the Zoning Applications.

Given his concerns about the project and its impacts on his own and other neighboring properties, Mr. Craig was delighted when, at the conclusion of the March 13, 2021 public hearing, the majority of the members of the City Council voted to deny the application. Specifically, after Ms. Pepper's motion to approve failed on a 3-4 vote (Wilson, Parker, Pepper: Yes; Aguirre, Chapman, Jackson; Seifeldein: No), the Mayor called for a motion to deny the applications. That motion was necessary, as the City Attorney confirmed, "so that its clear that's what you're going forward with." The motion to deny the applications passed 4-3 (Aguirre, Chapman, Jackson; Seifeldein: Yes; Wilson, Parker, Pepper: No). At the end of the day, there was a unanimous vote to adjourn the session, and the matter cannot be reconsidered.

The Council's proper denial of the application will allow the Developer and the City to better engage with the community about the project after the current COVID-

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Page 3

19 Emergency is abated. It will also allow the Developer and the City to develop better long-term plans for this important site which is so prominently placed at the very entrance of the Braddock Road Metro Station. Mr. Craig hopes that the improved plans will better address the critical issue of flooding in his neighborhood. The proper zoning and development of this area directly impacts his health and safety and the value of his home, as well as the health and safety of those in the neighborhood and those attempting to access the Metro at Braddock Road.

III. The Law Prohibits Further Consideration of the Zoning Applications for One Year After the Council Denied Them.

Contrary to the advice provided by the City Attorney during the City Council Meeting of April 6, 2021 (Video Record 5:29-5:32), after the March 13, 2021 session was adjourned, reconsideration of the denial of the proposed Master Plan Amendment #2020-0008, is expressly prohibited by the Zoning Ordinance:

Reconsideration of application. The subject matter of an application for a map amendment which has been denied by the city council shall not be considered thereafter by the planning commission *or the city council for a period of one year* unless the new application differs in a material respect from the application which was denied, in which case it may be considered after a period of six months.

Alex. Zon. Ord. § 11-904(D) ("Processing of master plan amendment.") (emphasis added). And Rezoning #2020-0004, is expressly prohibited by an identical provision of the ordinance:

Reconsideration of application. The subject matter of an application for a map amendment which has been denied by the city council shall not be considered thereafter by the planning commission *or the city council for a period of one year* unless the new application differs in a material respect from the application which was denied, in which case it may be considered after a period of six months.

Alex. Zon. Ord. § 11-805(D) ("Processing of zoning amendment") (emphasis added).

Reconsideration of the Council's denial of the Development Special Use Permit #2020-10027 and Transportation Management Plan Special Use Permit #2020-00076 is expressly prohibited by a similar provision of the Zoning Ordinance.

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If an application for a special use permit is denied by city council, neither the planning commission nor city council shall consider an application for the same special use on the same site again within one year of the date of denial unless the new application differs in a substantial and material way from the prior one, in which case it may be reconsidered after six months.

Alex. Zon. Ord. § 11-507 (“Reconsideration”)(emphasis added). Moreover the SUPs are completely dependent on the rezoning applications.

Notwithstanding the clear and unequivocal provision of the Zoning Ordinance prohibiting **“any consideration”** of the denied applications for one year, the City Manager’s April 21, 2021 Memorandum suggests that the Council may now purport to rescind its final vote pursuant to Section 2-1-49 of the City Code, which provides:

Sec. 2-1-49 - Reconsideration of questions.

(a) A motion to rescind any prior final vote or action of city council may be entertained at any time; provided, that no such motion, made at a special meeting, shall be entertained unless there are present at such special meeting at least the number of council members as were present when the vote or action to be rescinded occurred.

Alex. Code § 2-1-49. Incorrectly relying on Robert’s Rules of Order, the Staff asserts that the Council may act under this provision because there has been no reliance on the vote denying the rezoning and SUPs. But Robert’s Rules of Order specifically provide that “the actions of any deliberative body are also subject to applicable procedural rules prescribed by local, state, or national law **and would be null and void if in violation of such law.**” Robert’s Rules of Order Newly Revised 1:5 (12th ed. 2020) (emphasis added).

Basic rules of statutory construction demonstrate the reconsideration of the Council’s zoning denial is illegal.

It is firmly established that, “when one statute speaks to a subject generally and another deals with an element of that subject specifically, the statutes will be harmonized, if possible, and if they conflict, the more specific statute prevails.” *Commonwealth v. Brown*, 259 Va. 697, 706, 529 S.E.2d 96, 101 (2000). This is so because “a specific statute cannot

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be controlled or nullified by a statute of general application unless the legislature clearly intended such a result.” Id.

Gas Mart Corp. v. Bd. of Sup'rs of Loudoun Cty., 269 Va. 334, 350, 611 S.E.2d 340, 348 (2005); *accord Covell v. Town of Vienna*, 280 Va. 151, 162, 694 S.E.2d 609, 616 (2010).

If, as the City Manager’s April 21, 2021 Memorandum suggests, the Council has the power to rescind its deliberate denials of rezoning and SUP applications whenever it wants to, the provisions of Alex. Zon. Ord §§ 11-507, § 11-805(D) and § 11-904(D), would be completely illusory. In addition to violating the rule quoted above, the Staff’s interpretation would also violate the Rule that, “it is well-established that a statute should not be read in such a manner that will make a portion of it useless, repetitious, or absurd.” *Jones v. Conwell*, 227 Va. 176, 181, 314 S.E.2d 61, 64 (1984)); *see also Cook v. Commonwealth*, 268 Va. 111, 114, 597 S.E.2d 84, 86 (2004)(“Words in a statute should be interpreted, if possible, to avoid rendering words superfluous.”).


The cooling off period mandated by Alex. Zon. Ord. §§ 11-507, § 11-805(D) and § 11-904(D), protects both the City Staff, the Council and the Citizens of Alexandria from the substantial burdens of repeatedly revisiting the same contentious issues of City Zoning more than once a year. Aside from protecting the taxpayers from the burdens of having City Government resources spent on the same development proposal over and over until it is granted, these laws protect the neighbors and citizens from constantly undergoing the burdens of monitoring the City docket and appearing at public hearings to repeat the same arguments while the developer hopes for a different result.

In sum, the advertised motion to rescind the denial of the West Braddock rezoning and SUPs is expressly prohibited by the Alexandria Zoning Ordinance. It would be illegal and *ultra vires* for the Counsel to “*consider*” the applications during the mandatory cooling off period. It will be the job of the new Council to consider any new zoning applications for this property.

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April 26, 2021
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For these reasons we respectfully request that you remove item number 18 from your April 27, 2021 docket as required by City's Zoning Ordinance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Thorpe Richards, Jr.", with a stylized flourish at the end.

John Thorpe Richards, Jr.

Counsel for John E. Craig

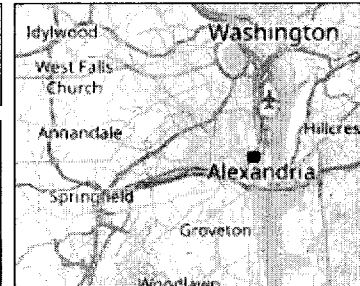
JTR/ban
Enclosure

cc. Mark Jinks (By E-Mail: mark.jinks@alexandriava.gov)
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City of Alexandria, Virginia

Map Title



Legend

Tax Map Index

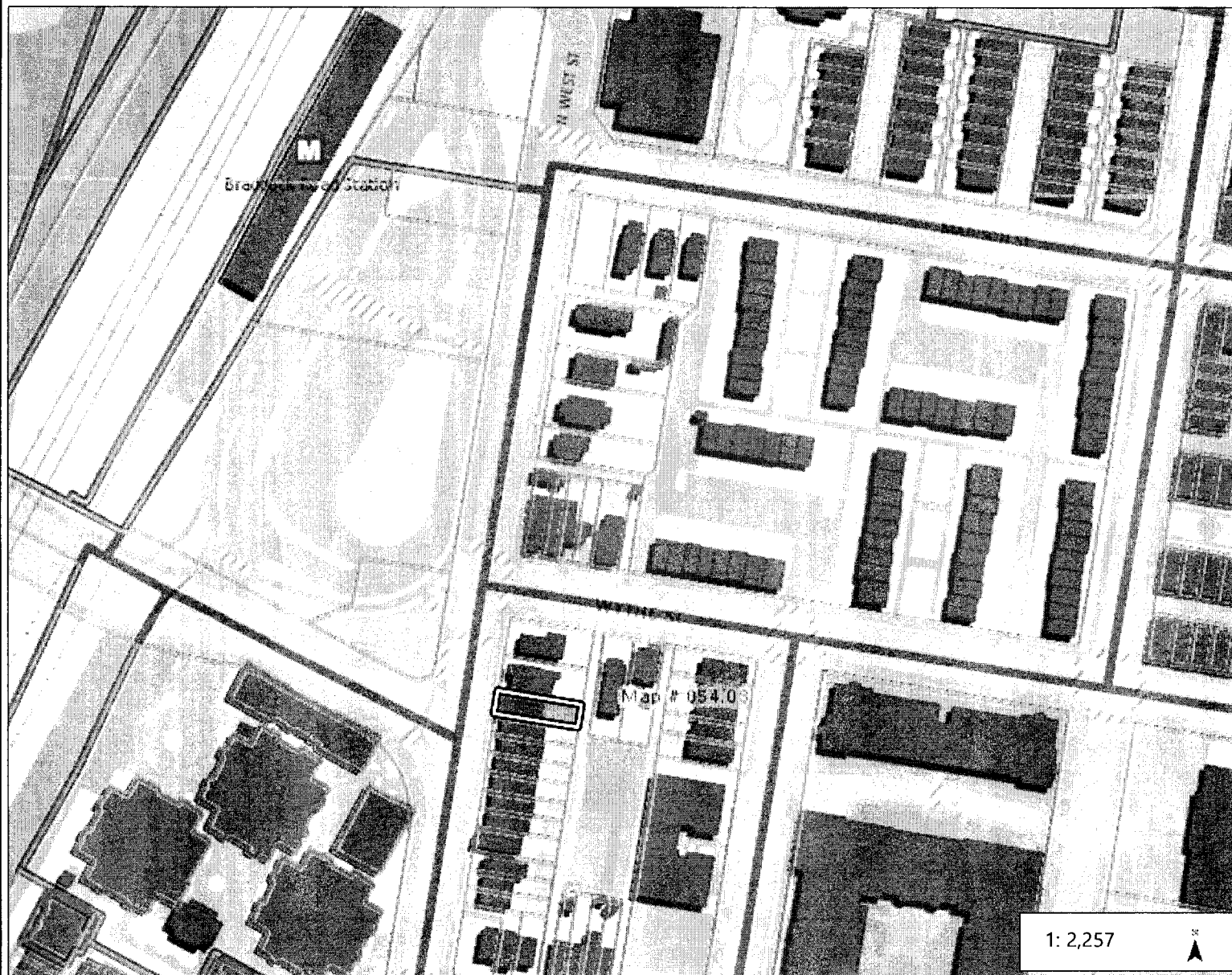
- Parcels
- Blocks
- Metro Stations

Metro Lines

- Blue
- Yellow
- Yellow Blue

City Boundary

- Rail Lines
- Parcels
- Buildings
- Surface Water
- Streams
- Parks
- City of Alexandria



376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Alexandria, VA

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes