

April 18, 2010

Mayor William D. Euille
City Manager James K. Hartmann
Deputy City Manager Mark Jinks
City of Alexandria
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Gentlemen:

Thank you for the Mayor's letter of April 5th and the time that Mr. Hartmann and Mr. Jinks have subsequently taken to further address a number of matters. While the chronology and perspectives are certainly interesting, I would suggest that they continue to leave many questions and concerns lingering in the minds of your constituents.

The Mayor's letter concludes that "there is nothing we can do to reverse the situation". One might, however, hope that there remain things we can all do to ameliorate some of the more severe repercussions of "the situation" and to learn some things that will help us all avoid similar "situations" in the future. It was not my intention to precipitate a public Q & A session. However, if the volume of communications I have received is any indication, the fact that the City has chosen to post the Mayor's letter on the City website has certainly broadened community interest in the issues. In turn, I hope we will all continue to pursue clear answers to the many as yet unresolved concerns, questions and challenges.

1. **The 2005 BRAC Process:** I do not believe there is any significant misunderstanding of "the BRAC process" as it was anticipated DOD would pursue it. There is a litany of things that DOD did and did not do that are troubling to many but at this juncture it seems unlikely that we are going to change DOD's perspectives. I do believe that what concerns this community is our City Government's (that term intended to encompass both elected and staff members) apparent passivity not only about things that had the potential to adversely impact us but about things that were/are in direct contradiction of what you told us the City stood for and implied you would fight for. For example, with specific regard to BRAC-133, and with contradictions that I trust are self-evident:

- The City's Goal 1, Objective 1 stated "new development (is) compatible with the character and scale of (the) neighborhood" using a process which "encouraged community participation".
- Goal 2 spoke of "enhancing the natural environment", "increasing the amount of open space", "protecting the tree canopy", "enhancing the appearance of entrances" to our City and "becoming less auto dependent".
- Goal 3 spoke of an efficient multi modal transportation system which we were repeatedly told meant a focus on public transportation, Metro in particular.
- We repeatedly hear/heard about "smart growth" which we understood invariably meant focusing major commercial development near a Metro station.
- We consistently hear about the desire to increase the commercial tax base.
- We were aware of a desire to address the space being vacated at the Hoffman Center but understood that meant trying to find a replacement tenant - not leaving it empty while we invited a 1.8 million sq. ft., non-tax-paying addition to our struggling office space inventory.
- While it was never stated as a specific goal, hopefully City Government can understand that the public never wanted you to invite a major terrorist target to locate in our midst.

- We continually hear about “transparency” yet the City’s letter of August 13, 2008 was seemingly unknown to the bulk of the community until many months after it was sent and apparently it was the result of a process which involved no public hearing and next to no, if any, “public” knowledge.

The simple and central question here is what can we and can we not expect from our City leadership? Given the recent history, how much faith can we put in what our City Government says it stands for? To what extent will you go to defend those principles, especially when many are clearly (and perhaps logically) of little or no concern to entities from outside our community?

2. **EA, EIS, FONSI:** The initially-proposed relocation of 24,100 personnel to Ft. Belvoir (proper, not an Alexandria annex) warranted an Environmental Impact Study (“EIS”), generally a very extensive undertaking. After a very thorough analysis, the EIS concluded that the proposed relocation was “the preferred alternative”. Certainly locating 24,100 potentially terrorist-threatened military personnel to an 8,600 acre military base would seem to have some logic to it.

Then what happened? Fairfax County took great issue with what they asserted would be the all-but-insoluble traffic problems this would create. Somehow finding a way to get 20,000+ people access to an 8,600 acre site became a monumental, if not impossible, challenge. Fairfax’s pleas included such concerns as “congestion”, “increased travel time”, “reduced employee productivity” and “degradation of quality of life”. Ultimately they were successful in having DOD seek another location for the 6,409 people of WHS. And, with respect to Alexandria, that would prompt the following questions for our City Government:

- Why did Ft. Belvoir (relocating 20,000+ military personnel to an 8,600 acre military base) warrant an EIS whereas we (shoehorning 6,409 personnel onto a 16-acre terrorist target in a traffic-congested residential area) only warranted a far less onerous and much less thorough Environmental Assessment (“EA”)?
- What actions did our City take in an effort to get an EIS for Alexandria?
- Did anyone in our City Government take issue with DOD locating a major terrorist target in a residential area of our City? If so, in what manner and with what response?
- Did anyone in City Government make the same arguments for the people you represent as Fairfax did for the people they represent? What about our congestion, our increased travel time, our reduced productivity and our quality of life?
- How is it possible that no one in our City Government was apparently terribly concerned that traffic on I-395 at rush hour is amongst the worst in the Nation? And that traffic at the Seminary Road interchange was already “failing”? And that the City was about to embark on a Beaugard Corridor Plan that would logically only precipitate more growth and more onerous traffic challenges?

It is interesting to note that DOD’s initial RFP required that, to be considered, a site must be within one mile of a Metro station - a seemingly reasonable effort to limit vehicular traffic. In some still unexplained manner, that requirement apparently got waived and, despite two of the three sites meeting the earlier requirement, it was the third site - which did not meet the requirement - that was selected. Did this not attract anyone’s attention? Did it not seem that the initial requirement made considerable sense and perhaps ought to influence the option which the City chose to support? Not to mention it would have saved us considerable traffic mitigation costs.

When DOD issued (it’s own!) Finding of No Significant Impact (“FONSI”) with respect to the Mark Center location, not only did our City not take issue with that, it wrote DOD saying it was “correct”!

Can you appreciate that you appear to be on a very different page than many of the people you purportedly represent?

3. Other Pre-Selection Questions:

- 3.1. Waiver of Mitigation: In January, 2004 the majority of the developer's pre-existing requirement to address traffic mitigation was seemingly waived - "(re)...a direct connection into the project from the existing I-395 interchange...the City has concluded this...is not feasible or desirable (and) the applicant has fulfilled the intent of the previous condition...". But apparently there was no commensurate reduction in the density which they were allowed to develop; density which had logically been conditioned upon providing and paying for traffic mitigation measures. Is that correct? If so, it does not appear to make sense: we are now faced with major traffic concerns and it appears the City has voluntarily waived any opportunity to require the developer to pay for significant mitigation. How is the community well served by such action?
- 3.2. DOD Payments in Lieu of Taxes ("PILT"): It is concerning to note that at some point the City apparently believed it had negotiated a very significant (\$4 million per year) PILT with DOD only to later find out that was not legally possible. How does that happen; how can a legal agreement of such consequence apparently have been negotiated without reference to prevailing law? Was the City offering anything in exchange for the PILT? If so, did the City deliver on its commitment? Given the apparent willingness of DOD to pursue an annual payment of this magnitude, what alternative options were explored when some legal technicality apparently precluded them providing this compensation in the form of a PILT?
- 3.3. Financial Compensation (from Developers?) in Lieu of Real Estate Taxes: Is it noted that the Mayor wrote representatives of both potential Alexandria sites (Joseph Brennan - re Victory Center - November 2, 2007 and Howard Middleton - re Mark Center - January 4, 2008) that "...any City support...is contingent upon the City obtaining significant financial compensation to offset its multi-year loss of future real estate taxes." The City wrote DOD supporting both sites. What "significant financial compensation" did the City receive in return for its pre-conditioned support?
- 3.4. Traffic Concerns: On what basis did the City contend (in the August 13, 2008 letter) that our "rigorous standards sufficiently considered the impact of a WHS-sized facility on local roads" and went on, essentially, to contradict VDOT? How is it that VDOT asserts that they always said the Mark Center site was "not viable" from a traffic perspective? Was no one in our City Government aware of that? If so, what efforts were made to resolve an apparent disagreement about a matter of such major consequence to our community? Have our criteria now changed? Has our attitude?
- 3.5. Policy Determination: The Mayor's letter notes that City positions are based on a continuum with policy and City Council at one end and ministerial decisions and City staff at the other. It is clear that the August 13, 2008 letter was issued by the "ministerial" folks. Can you appreciate that causes great angst to many residents of this City? What could possibly be more policy-related than a decision to encourage a project of this magnitude and consequence to locate in a residential, traffic-congested, gateway to our City? But Council consciously left this to City staff? And having been copied with the letter, no one raised any concerns at all? Can Council understand if people feel you let us down and did not defend (or even raise the question of) the goals you purport to stand for? Can you understand the public is having

difficulty finding the “transparency” in this process and precisely where the “community participation” was “encouraged” (quotes from Goal 1)?

- 3.6. Executive Session(s): Despite the implication that the invitation to DOD to locate BRAC-133 in Alexandria was somehow extended as a “customary...administrative response” issued by staff, we are then told that “the City Council executive session process” was used to discuss BRAC over the course of 2007/2008. Why executive sessions? What issues were there that could not be shared with the public? How much was shared with the public? Was there nothing at any time discussed that might lead anyone in attendance at the executive sessions to express concern about the contents of staff’s August 13, 2008 letter? Is one left to conclude that all parties to the executive sessions were then in full agreement with the contents of the August 13th letter? Do we truly have elected officials who believe matters of this magnitude and consequence should be handled (apparently solely?) in executive session, hidden from public view or involvement, much less access?
- 3.7. “Technical Expertise”: To suggest that it is some complex “technical and policy expertise in specific program areas” that dictates whether or not we encourage a major terrorist target to locate in a residential neighborhood seems to totally miss the point. The community certainly does not believe it needs that expertise in order to tell you “NO!” - all they need is the opportunity.
- 3.8. Support of Property Owners: I do not think many members of the public have a conceptual problem with the City “supporting property owners in their seeking to develop their property” BUT does our City Government do this blindly? Are the specific uses and their potential negative consequences to our City relevant? Or are they simply not considered? Many local residents are property owners too, also expecting the City’s “support”.
- 3.9. Firmly Stating a Preference: The Mayor’s letter states that “City staff and Council’s preference was for Victory Center largely due to its location near a Metrorail station”. That makes lots of sense but why then did the City not specifically state that preference when asked for comments by DOD? The fact that “all in the City who were dealing with the BRAC issue...had the clear impression...that the Victory Center would be the site DOD selected” is hardly an acceptable excuse for not arguing for the site that would be in the best interests of the citizens of Alexandria. The fact that the Victory Center offer was appreciably higher in cost to DOD (how would the City know that before the selection was made?) was in no way relevant to the City’s failure to take a firm position - the one that would best serve the community you collectively represent.

4. Post-Selection Issues:

- 4.1. The Zoning Envelope: The Mayor’s letter states that “the land owners indicated to the City that their proposals were within the zoning envelope that the City had previously approved”. As we have repeatedly been told, DOD does not have to abide by any of those supposed requirements. Was the City unaware of that?
- 4.2. Variances from the SUP: It is difficult to accept the statement that the project is “with-in the previously City-approved zoning envelope” but for a 22 foot height variance. Assuming the SUP is our point of reference, recent information indicates:
 - what was to be Building 2A is now 250 feet high whereas the SUP called for 210;
 - building 2B is 250 feet high whereas the SUP called for 240;

- building 3 is 245 feet high whereas the SUP called for 150;
- the footprint of the four buildings now covers 210,200 sq. ft. whereas the SUP called for 118,850 sq. ft. - a 77% variance
- despite some disagreement about the meaning of GSF vs. NSF, it appears DOD is building roughly 1,800,000 sq. ft. whereas the SUP called for 1,382,730 sq. ft. - a 30% variance.

To many, those would appear to be material variances and, whether enforceable or not, I would suggest it is misleading for the City to assert that what we are getting is essentially what the SUP called for. If, in fact, this colossus so grossly out of scale with anything else in the area is what the SUP essentially permitted, then many would suggest that our SUP process needs serious review as it would not appear to mirror the desires and expectations of many members of the community.

- 4.3. City Addressing the Variances: Despite the oft-heard refrain that “it’s DOD, there’s nothing we can do” did the City, in fact, take issue with any of the above-noted concerns? It appears to the public that the areas of greatest concern to the City have been such things as how to light the edge of the roof at night and what sort of artwork to hang on the garage wall. Our priorities do not appear to be aligned.
- 4.4. Challenging the RIF: The question of the RIF also appears to be an illustration of the City’s passive response. It blocked what was the only remaining possibility of “direct access” (from I-395) into the interior of the site, given that DOD had erected concrete or placed its 82 foot protective zone along the remainder of the property. Yet again, the City’s passivity in seemingly asking the NCPC to simply move (or eliminate) the RIF, without our providing any clear and forceful reason to do so, was extremely disappointing and did not serve our community well.
- 4.5. “Open Space”: Open space appears to remain an unresolved issue. Despite the SUP’s innumerable references to the contrary, we were told last June that, in fact, the City was not entitled to any open space in the “Plaza I” (BRAC site) area. Somehow, come July, and without explanation, we were told that the City was negotiating with Duke and the land in question appeared to total something like 20,000 sq. ft. (despite the SUP calling for 6.5 acres, a number which it repeatedly references). Come August, the number had risen to 2 acres. Come September, it was 2.5 acres. At that juncture, the City was asked to have the City Attorney opine on the definition of “open space” and the extent to which the contracting party (seemingly Winkler in 2004, who subsequently sold to Duke in 2006 who possibly passed that obligation to DOD) should be required to provide that open space. One might note that Duke sold the land to DOD for slightly more than \$6.5 million per acre, logically the rate at which the City should be compensated for whatever open space is ultimately determined to be have been sold to DOD rather than provided to the City. Seven months later we remain without any word from the City Attorney.

At this point it should also be noted that, at last September’s Advisory Group meeting, it was agreed that any proposed resolution with Duke (or DOD, if liability passed to them) would be shared with the public, for comment, before anything was/is finalized. One assumes that understanding remains in place today.

- 4.6. Net Financial Impact: Apparently no assessment of the net financial impact of this development was attempted before BRAC was encouraged to locate here. That is troubling to many. Despite numerous requests, the community continues to await that assessment.

We have also long been asking how emergency services would be provided to BRAC and how they would be paid for. A year and a half after the site was selected we continue to wait. We did see Mr. Hartmann's recent memo to the Council seeking \$2.1 million for starters. What progress has been made in getting DOD to cover this? One might note that if these military employees had been relocated to Ft. Belvoir (proper - not the Alexandria annex) as the EIS said was the "preferred alternative", then these services would presumably be provided on base, solely by the military, which would be covering 100% of the cost. Is there any logic that Alexandria should now cover the costs simply because this military outpost is surrounded by our City? How and when does this get resolved?

Perhaps if this information had been provided on a more timely basis, Congressman Moran might have included the funds in the BRAC-related request(s) he has made on behalf of other of his constituents.

4.7. Quantifying Ramifications: It is difficult to weigh options when the City fails to quantify them. For example - how long is a (traffic) "delay"; what does "impacting the Preserve" mean? Might a commuter be influenced by learning his commute would be shortened by 5 minutes were a route along the edge of the Preserve provided whereas it will be 5 minutes longer if no such mitigation is provided - a net difference of more than 80 hours a year he would spend sitting in traffic? If some "win-win" agreement could be negotiated with JBG that resulted in the Preserve ending up with more acres than it started and with improved amenities, might that appeal to some of those concerned about the future of the Preserve? At least decisions might be based upon quantified options as opposed to pure emotions.

4.8. Addressing Traffic Challenges: The City has staff to address transportation issues - presumably a staff with considerable technical expertise - certainly more than the collection of laymen who comprise the Advisory Group. Yet it appears the design of interstate highway access has been left to the laymen. It is time the City took the lead in addressing the City's traffic challenges. And don't leave it to VDOT. And don't just address a one or two block stretch of roadway - we need a holistic approach to the entire road network in the West End. And hopefully the City will work closely with adjacent jurisdictions in ensuring just that.

One also notes that it is the TMP which offers the most immediate traffic mitigation opportunities. Last June 1 the City was advised it should anticipate a "completed" TMP by last December 1. To date we have yet to see as much as a draft. What has the City done to pursue delivery of this long-overdue but important Plan?

4.9. The Tax Roll/Eminent Domain: What is the potential that the Federal Government might acquire the IDA and/or the CNA buildings and remove them from the City's tax roll? What is the potential DOD could exercise eminent domain over increasing portions of the Preserve and that ultimately the Preserve could become Pentagon South? Has the City considered such possibilities? Is anything being done in an effort to avert them?

As we move forward on the Beauregard Corridor plan it is critical the community understand the process and what we are or are not agreeing to, or what is being agreed to on our behalf. We need to learn from the BRAC experience. Clearly the City is making a sincere attempt to involve the community. We need to minimize surprises and the leadership of that effort logically falls to our elected leadership and to City staff.

Sincerely,

Donald N. Buch

cc: The Honorable Members of City Council
Members, BRAC-133 Advisory Group