

**Leeway Overlee (LO) Civic Association (CA)**  
**Minutes of General Membership Meeting**  
Wednesday, March 13, 2019 – 7:30pm,  
Westover Library Meeting Room #3, 1644 N McKinley Rd.

**Community Updates**

1. Leeway Overlee CA President Jack Grimaldi welcomed attendees and requested **reports** from officers. Ladd Connell, LOCA Secretary, summarized the Minutes of the prior general membership meeting, held January 23, at which Charlie Deal, representing One Virginia 2021, spoke about the process for re-districting reform in Virginia, including legislation then under consideration. That meeting also had updates on local issues, he noted; full Minutes could be found on the Leeway Overlee [website](#). LOCA Treasurer Jenni Michener reported starting balance of \$689.18 and an ending (current) balance of \$788.87, an increase of \$99.59 as income from newsletter ads and dues exceeded expenses for newsletter printing.
2. Tom Wolfe, LOCA Liaison to the [Lee Highway Alliance](#) (LHA), noted that the **Lee Highway Planning Initiative** was underway, with a Working Group to meet on dates still to be determined. More detailed information was in the [Leeway Leader](#). A “Plan Lee Highway” Planning Initiative open house is to be held at LHA’s office (4620 Lee Hwy., Suite 208) every other Friday afternoon for anyone who wants to go. Information on Plan Lee Highway is on the Arlington County website. Responding to questions, Mr. Wolfe explained that initial community-level planning led to formation of the Alliance. This was the first Lee Highway planning initiative in Arlington in more than 50 years; it will include both roads and the corridor, and it welcomes community input. Neighborhood Conservation (NC) Advisory Committee (AC) representative Rob Swennes explained that it wasn’t yet clear which week the Plan Lee Highway open houses are to be held, but County staff, which run the Plan Lee Highway project, are supposed to know & share when they are to happen.
3. Concerning **Little Ambassadors Academy** (LAA)’s new building at the corner of Lee Highway and Lexington St., Mr. Grimaldi said it was scheduled to open Monday, March 18, but that date might slip. As for its parking plan, he was told that the CA could get it after it is approved. It has not yet been approved, and it has to be approved before LAA can get its Certificate of Occupancy. Mr. Swennes noted that when the CA does get it, we can post on our website.
4. Mr. Grimaldi invited resident Eric Forman to provide an update on the **N. 23rd St. re-development**. Mr. Forman showed maps of the area, which is one block off of Lee Hwy. between Powhatan and Quantico Streets. Mr. Forman reported that developers have filed a preliminary plat, replacing two homes [6229 and 6233 N. 23rd St.] with five larger ones. To do this, they will create a “hammerhead” cul-de-sac, which is not great for circulation, but meets County standards, and will become a County street. All five new houses would be situated [with at least one side] 8 feet from the lot line. The consolidated development would have 50% impervious surface, meaning significantly greater flows into storm drains. All trees on the property (about 30) would be cut down. Mr. Forman noted he had been told repeatedly by County staff there is nothing neighbors can do. Adding to concerns, he

had been told a developer has also bought lots nearby on Powhatan St., and a similar development is likely there. Given the nature/size of the development, no Environmental Impact Statement is required, although a land disturbance permit is required.

### **Matt de Ferranti, County Board Member**

5. Mr. Grimaldi then invited Matt de Ferranti, County Board Member<sup>i</sup>, to speak. Following up on the N. 23<sup>rd</sup> St. issues, Mr. de Ferranti noted that Environmental Impact Statements are required all over California, where he had practiced law. Virginia, however, is a Dillon law state, which means that the County can only regulate what it's specifically allowed to do.<sup>ii</sup> He observed that part of the problem with the development could be enforcement, since under County regulations, the developer has to have a Civil Engineering plan and a land disturbance permit. But part of what was allowed was state law, which "really hinders us." A resident observed that the development was "by right," but it will include a new County road, with an 8% grade, so the County has to agree to that. Mr. de Ferranti said that some legal limitations could apply; he did not want to over-promise, but did want to follow through. Mr. Wolfe subsequently asked Mr. de Ferranti for a meeting at County offices, which he agreed to, and Mr. Wolfe said he would follow up to secure a date for that meeting and communicate it to neighbors.

6. Mr. de Ferranti said he had a menu of topics that he could address—the County's planning process, Lee Highway, Amazon— but would start by introducing himself, since he was the newest County Board member and not the originally scheduled speaker. Katie Cristol, who had been scheduled, had just had a baby eight weeks early-- mother and baby were both healthy. As for his background, he was proud to have run a really civil campaign. While he and his opponent [John Vihstadt] had differences of opinion, they expressed them appropriately. Mr. de Ferranti is an attorney. He grew up in McLean, near St. John's Church, went to Duke, taught in Houston through Teach for America, practiced law in California & Texas, then moved back to Arlington, where he has worked as a lawyer for 11 years for non-profits, including Habitat for Humanity, and representing Native American students.

### **Amazon in Arlington**

7. Concerning Amazon, Mr. de Ferranti said that the County Board would vote Saturday (March 16) on a 12-page performance agreement. In his view, this was important for the County as reducing the commercial vacancy rate was a big priority. As background, he noted the record of Arlington's fiscal status: it is one of 36 counties in the country with AAA/aaa bond rating; it is the 5th or 6th wealthiest county; and it has had resources, normally 50% of property revenues coming from residential and 50% from commercial, but with the decline in commercial occupancy, shares have shifted to 47% commercial, 53% residential. The current commercial vacancy rate stands at 17.2%, with some areas as high as 21%. There were several causes: BRAC [the Defense Dept.'s Base Re-Alignment and Closure] happened, the PTO [Patent & Trademark Office] moved to Alexandria—having been offered heavy incentives to do so, the National Science Foundation (NSF) moved from

Ballston. One upshot is that 4 or 5 major Crystal City office buildings are mostly vacant. Having Amazon will help re-balance revenue sources. Its presence offers a huge opportunity to pay for our schools, including Reed, to invest in storm water management, and to reduce reliance on residential property taxes, Mr. de Ferranti said. Whole Foods will also have a corporate office in Pentagon City. The County Board vote would be on a relatively small investment by the County; for example, the state will pay for the 2nd entrance to the Crystal City Metro station. The County recognizes that a lot of workers, estimated at 80%, will live in other Metro accessible places; 15-25% will live in Arlington. The County will get funds for a walkway from Crystal City to National Airport, and additional funds for the transit way from Alexandria-- \$195 million from the state. Over 12 years, the County anticipates \$160M in increased revenue, plus increases in hotel tax. From that, a small sliver, 15% of the growth in the hotel tax, will go to Amazon-- giving a total of \$51M, but they have to show they have already paid taxes. Arlington structured incentives in a smart way—thanks to good work by Arlington Economic Development staff—no incentive funds will be paid unless Amazon pays the County first, paid as 15% of growth in hotel tax, which nets to an estimated \$23M over 12 years, Mr. de Ferranti explained.

8. Turning to transit, Mr. de Ferranti said that safety has to come first in Metro. For Arlington, the evidence is clear that undergrounding the Orange line [through most of its path in Arlington] was a great idea. Looking ahead at transit options, the Columbia Pike streetcar would be a good idea.

### **Questions & Answers: APS, Incentives, Taxes, In-fill Development**

9. Mr. de Ferranti then took questions. A resident expressed concern about funds being cut for Arlington Public School activities, such as after school sports transportation. Mr. de Ferranti noted that he had been chair of the school budget committee, and had voted for some adjustments on class size, etc. He said Arlington needs to bring down the cost per seat of construction. We have the best schools in Virginia, but also the most expensive schools. We do enable some teachers' kids to attend school in Arlington. He had voted for a higher tax rate to give the County flexibility to respond to needs; the School Board had asked for it to address enrollment growth. Recently he had spoken with residents in Waycroft-Woodlawn, where some people are having trouble staying in their houses in part because of property taxes. The County Board had advertised an increase of 2.75 cents [per \$100 assessed value]—they hope to drive it down. Bringing businesses in is part of the strategy. But “more of everything is not a thing”—the Board needs to manage costs and set a rate that will not drive people away, he said.

10. A resident asked about “incentives for people vs. incentives for Amazon.” Concerning incentives for people, Mr. de Ferranti said he had served in the Affordable Housing Task Force. We haven't gotten close to our goal, he admitted. One answer is the community land trust, in which participants agree when a property is sold, half of the increase in value goes to the homeowner, half goes to a trust to help poorer homeowners—but for now this is

about a \$5M program, so it benefits only the really poor. The Board is looking for ways for school and county employees to afford to live in Arlington--to drive down the tax rate.

11. Concerning the incentives for Amazon, Mr. de Ferranti noted, Virginia's package was \$750 million; Arlington's is \$23M, plus another \$28M if conditions are met. Arlington's package was far smaller than others; instead, "we bet on education, being the 2nd most educated county, having a new Virginia Tech campus," etc. Many other communities—238 to be precise—wanted Amazon's HQ2. More importantly, if Arlington had not gotten it, the revenue for the incentives would not even be generated.

12. Asked about the property tax rate, Mr. de Ferranti explained that the County Board can't raise taxes more than it advertises. Ms. Cristol had offered a substitute motion for two cents [per \$100 assessed value], and the Board wants to drive it closer to that level; most likely it will end up between that and the 2.75 cents advertised. The Board can't and doesn't want to surprise folks.

13. A resident asked Mr. de Ferranti to address the development issue, including the definition of footprint of a house. With developers, the questioner observed, the County allows them to put up a monstrosity, or to put in a pipe-stem – they feel confident they can do what they want, which says quite a bit about where the county is in terms of neighborhood conservation. Mr. de Ferranti replied that a couple of factors are important to consider. We have a County Manager form of government, so we do need accountability; if Managers are always favoring developers, the County Board would like to know. If no one on staff is asking questions, we have a problem. He would look to see if there are structural issues in the approval process; however, he made clear he could not promise the outcome that neighbors were seeking. Another resident noted that the code for properties zoned R6 was surprisingly flexible—on the N. 23<sup>rd</sup> St. site, there is definitely a water problem. The County needs to measure the frontage to ensure it conforms. Mr. de Ferranti noted that this is not an isolated case. He gave the example of the Buck property in Ballston, a \$9M piece of land, where water issues are huge. Land disturbance is also an issue. Discussion followed regarding R6, including the 35 foot roof height regulation; it was noted that this refers to average, not maximum, height. Mr. Wolfe asked if Mr. de Ferranti would commit to a meeting to discuss the N. 23<sup>rd</sup> St. development. Mr. de Ferranti said yes, he would—he provided his business card and asked Mr. Wolfe to talk to his assistant, Cathy [Catherine O'Malley, [comalley@arlingtonva.us](mailto:comalley@arlingtonva.us)].

14. LOCA VP Vanessa Guest asked about the ratio of funding between schools and other needs. Mr. de Ferranti said that is based on a County-APS revenue-sharing agreement; it's one page, it specifies APS will receive 46.8% of total County revenue. In his view, it seems like a contract negotiated after the fact. The percentage doesn't always have to be set at that level, he noted. He would rather look directly at the APS budget to determine what is needed. While it's the School Board's role to make the budget, the County Board does provide input—the budget should be needs-based, rather than a pre-determined formula.

15. As the library was closing, Mr. Grimaldi thanked Mr. de Ferranti, and the meeting was adjourned.

Submitted by: Ladd Connell, Secretary

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<sup>i</sup> He can be reached at [mdeferranti@arlingtonva.us](mailto:mdeferranti@arlingtonva.us), (703) 228-3130, or 2100 Clarendon Blvd., Suite 300, Arlington, VA. 22201.

- <sup>ii</sup> Under [Dillon's Rule](#), a municipal government has authority to act only when :
- (1) the power is granted in the express words of the statute, private act, or charter creating the municipal corporation;
  - (2) the power is necessarily or fairly implied in, or incident to the powers expressly granted; or
  - (3) the power is one that is neither expressly granted nor fairly implied from the express grants of power, but is otherwise implied as essential to the declared objects and purposes of the corporation.

The Dillon rule is used in interpreting state law when there is a question of whether or not a local government has a certain power. Judge Forest Dillon, the chief justice [1864-1869] of the Iowa Supreme Court expounded this rule, which was quickly adopted by state supreme courts around the nation. The rule is in contrast to Home Rule, which gives local governments governing authority to make a wide range of legislative decisions that have not been addressed by the state.