

SEMINARY HILL ASSOCIATION, INC.

August 8, 2022

Ms. Megan Alderton
Chair
Alexandria School Board
1340 Braddock Place
Alexandria, Virginia 22314

Mr. James Parajon
City Manager
City of Alexandria, Virginia
301 King Street
Alexandria, Virginia. 22314

Dear Chair Alderton and Manager Parajon,

The Seminary Hill Association (SHA) is writing to express our concerns and questions over the proposed lighting of additional athletic fields in the city. Mr. Jack Browand of the Department of Recreation, Parks and Cultural Activities (RPCA) informed us at our June 9th board meeting that RPCA or ACPS will be filing for a SUP for Hammond Middle School as one of the first two fields to add field lights. We learned that RPCA filed the application on August 5, 2022, to be heard at the October 6, 2022 Planning Commission meeting. Hammond is within the boundaries of SHA, and we have some specific questions that we believe should be answered by Alexandria City Public Schools (ACPS) and RPCA promptly in connection with the application.

First, by way of background for those who were not on the School Board or employed by the city in 2011, ACPS proposed adding a turf field with lights at Hammond that year. At that time, no site plan was required by the city in order to do this work, so only a grading plan was submitted as part of the SUP application. SHA and nearby residents warned ACPS and RPCA about the serious infrastructure and flooding issues at Hammond, but these concerns were ignored. Residents surrounding Hammond were forced to file an appeal to the Board of Zoning Appeals (BZA) and a lawsuit to compel compliance with zoning and City Code requirements. As you are aware, ACPS abandoned plans to light the Hammond field and an agreement was reached that no electrical work would be placed on the site to facilitate the installation of lights.

Once construction began to install the artificial turf field, the extent of the stormwater and infrastructure issues became known. ACPS spent millions installing the field and remediating the site, which included enormous new concrete piping under most, if not all, of the field. The work also required moving the bus lane and creating a bioretention pond on the site. The actual cost of this additional work was never publicly released, but SHA was informed that the overrun was a minimum of \$1.9 million, which was paid by ACPS.

Given this background, SHA requests that ACPS and the city provide answers to the following questions regarding the current plan to light the Hammond field.

1. ACPS holds Development Site Plan 2000-0044 for Hammond. DSP 2000-0044 contains a provision stating that any application for lighting must be through an SUP submitted by ACPS. City staff verified this in its report accompanying ACPS' application for lighting at Hammond in 2011, Staff

Report, page 4, citing that DSP 2000-0044 contains “a development condition requiring ACPS to go through a Special Use Permit review when considering the installation of athletic lighting” at Hammond.

In 2011, when SHA brought the case of lighting the Hammond field to the Board of Zoning Appeals (BZA), the BZA entered a legally binding decision stating that “ACPS is the owner of the property” and “[t]he use of field and lights by other City Departments and community organizations does not change the characterization of the facility for school purposes.” The city and ACPS urged the BZA to make those formal legal findings. In the subsequent lawsuit, ACPS and the city continued to represent that ACPS is the only correct applicant.

We learned on Friday, August 5, 2022, that RPCA inappropriately submitted an application for a SUP. Their application states that the City of Alexandria is the owner of school property and ACPS merely operates a school on the site, which appears inconsistent with the laws of Virginia. It was silent on the DSUP and binding legal decisions regarding the site (which are consistent with Virginia law). Is this your understanding of control of the use of land where ACPS schools are located? If the city’s and ACPS lawyers have changed their position, ACPS will be required to seek a modification to its DSUP, and the city and ACPS will need to approach the BZA (and perhaps the court) to correct those legal decisions based upon faulty information from the city and ACPS in 2011 and 2012.

It is also concerning that the city believes it can place uses on property being “operated by ACPS” without the approval and consent of ACPS. Given the DSUP, city staff reports, city and ACPS legal submissions and the accompanying BZA order and court actions stating that ACPS is the property owner and must file the SUP application, under what authority is RPCA applying as the owner of the Hammond property?

2. A review of the June 2nd School Board meeting showed only a very brief informational presentation, and the docket noted that the presentation was “for information, not action” only. Dr. Hutchings stated that a School Board vote would be required to authorize lighting at any school field after the City Council approves any SUP, although there appeared to be some confusion. Is Dr. Hutchings correct, or is the statement by RPCA that the School Board has no role beyond being briefed? If so, can you please provide SHA with documentation from ACPS and the city transferring title to the property for the site from ACPS to RPCA, which appears to be a requirement in Virginia? Can you please clarify the role of ACPS and identify the ACPS person responsible for community engagement on this issue?

3. Does ACPS concur in RPCA’s estimate of \$400,000 for the work at Hammond, given the conditions that are unique to Hammond, including the extensive underground stormwater infrastructure under and around your field? In the event of cost overruns, is ACPS or RPCA responsible for paying for the overruns?

It is important to remember that as part of the agreement with residents to drop the lawsuit with ACPS and the city regarding issues associated with lighting Hammond, ACPS and the city committed in writing that electrical conduits for field lights would not be installed at Hammond during the installation of the new turf field. ACPS and the city verified that the grading plan specifically excluded any infrastructure work supporting lighting, including any electrical work. ACPS updated SHA during

construction to confirm no electrical infrastructure work was being performed, and SHA toured the site to verify that no electrical work to allow for the installation of field lights was done before installing the current turf field. Does your preliminary planning with RPCA include a recognition that electrical conduits and other required infrastructure do not currently exist at the site, but can now be added given the large concrete stormwater infrastructure that was placed under the turf field in 2011?

In addition, a site visit to Hammond shows very little space between the track and the fence line and public right of way on Pickett Street. SHA would like to receive any planning analysis that has been done at Hammond to show that the installation of lights is feasible and consistent with land use requirements, including minimum setback requirements in the zoning code.

4. A chronic and serious challenge to city fields, and especially at Hammond, is the use of the fields without a permit. Around Hammond, residents have documented problems that have existed without resolution since the installation of the turf field and continue to exist now without lights, which involve unauthorized use and quality of life issues for adult events, such as broken beer bottles, drug paraphernalia, overflowing trash receptacles, and excessive noise. While the turf field is fenced from the publicly available track, there are routinely groups of “fence jumpers” who use the field as a dog run and other unauthorized events. Boom boxes send music into the surrounding neighborhood until dark. These problems will only get worse if the field has lights and can be used until 10:00 p.m. at night, which is the time RPCA has indicated on the Hammond application that the field will be used seven nights a week.

The major reason for the problems at Hammond and other city fields is that there is no clear responsibility or accountability for oversight for use of the fields. In the application, RPCA asserted that “site monitoring” at night is an “ACPS security responsibility.” In contrast, ACPS has viewed use outside of school hours on the field at Hammond to be the responsibility of RPCA. Both ACPS and RPCA have advised residents to call the Alexandria Police Department (APD) for violations. When residents call, APD asserts such violations are not criminal in nature, they lack staffing, and do not respond, instead telling residents to work with ACPS and RPCA. There is, therefore, no remedy in place for residents who endure irresponsible and unauthorized behavior on a constant basis at Hammond.

As part of the application for lights, is ACPS prepared to commit resources and staff to oversee permit compliance and SUP violations during evenings and weekends? Or does ACPS view it as the responsibility of RPCA, despite the fact that RPCA has stated its position that it the responsibility of ACPS to monitor such illegal activities? Since APD has said it cannot assist, what then is the remedy that ACPS and RPCA propose for unauthorized use of the Hammond field if the hours of use are extended by the installation of lights? It is not appropriate to add more lighted fields that will only worsen and continue this shell game of “passing the buck” that leaves no one with the responsibility for field security and use.

5. The true purpose of installing the lights at Hammond is unclear to SHA at this time. Certainly, ACPS has a need for a field and track there during the school day for its students, and it is due for replacement in the next two years. At the June 9th SHA meeting, RPCA stated that the proposal was for use by adults and youth. At the June 2nd meeting School Board meeting, RCPA stated the purpose of the proposal is “expanding capacity for youth programs.” SHA cannot imagine that the youth of Alexandria

need a field that can be lighted until 10:00 p.m. SHA believes it is necessary to be honest about who will be using this field if the proposal is approved.

6. If the lighting is approved, who will be authorized to control the timing and use of the lights at night? Will it be ACPS personnel or RCPA personnel or private citizens? The August 5 application states that “safety measures” include “user activated field lighting,” suggesting that anyone can access and turn on/off the lights at any time. What access security will be in place to assure only authorized persons can access lighting? Who will serve as the person responsible for assuring the lights are off at the permitted time, especially in the event the lights continue to burn past the required time if staff fails to activate the remote shut-off? In addition, the construction of lights and new turf will mean the use of the field for Hammond students will be lost for at least several months, if not longer, depending upon the engineering challenges of installing lights.

Given that SHA was only made aware of this proposal in June and RCPA has stated its intent to bring this matter before the Planning Commission at its October 6, 2022, meeting, we would appreciate a prompt response to our questions. Given the importance of this matter to residents of Seminary Hill, we anticipate further questions once we have had more time to review the plan and conditions. Thank you very much for your attention to this matter that affects the quality of life for numerous residents of Seminary Hill.

Sincerely,

Carter Flemming

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