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December 15, 2016

VIA ELECTRONIC MAIL

Ms. Nancy Iacomini, Planning Commissioner, SPRC Chair
Site Plan Review Committee
Arlington County Department of
Community Planning, Housing & Development
2100 Clarendon Boulevard, Suite 700
Arlington, VA 22201

Re: Ballston Station – Ballston Central United Methodist Church – Site Plan Application #443

Dear Chairperson Iacomini:

This firm represents four descendants of Robert Ball Sr., who are named co-defendants in a lawsuit brought by Trustees of Central United Methodist Church, Ballston (“CUMC”) in the Circuit Court for Arlington County on October 6, 2016, Case No. CL16002543-00 (the “Lawsuit”). We appreciate this opportunity to submit written comments in advance of the SPRC’s December 15 meeting regarding CUMC’s Site Plan Application #443.

CUMC filed the Lawsuit in connection with its proposed redevelopment project (Ballston Station, Site Plan #443) and CUMC’s initial plans to demolish the Robert Ball Sr. Family Burial Ground (the “Cemetery”), which is located at 4201 Fairfax Drive on CUMC’s property. We were delighted to receive CUMC’s commitment to preserve the Cemetery, which CUMC publicly made at the November 5 County Board meeting. Although the Lawsuit is still pending as a formality, we applaud CUMC’s decision to incorporate the Cemetery into the redevelopment project.

The proposed treatment of the Cemetery is reflected in the re-filed Site Plan Application #443. CUMC has stated publicly that it supports, and plans to voluntarily accept, Arlington County’s proposed designation of the Cemetery as a local historic district. We believe that the re-filed Site Plan Application represents a big step in the right direction. By placing the residential entrance on west side, the Church now sits on the east side adjacent to the Cemetery -- this re-establishes a natural connection between the Church and the Cemetery.

However, we believe further design evolution is required to preserve the historical integrity of the Cemetery. In particular, we are concerned that the proposal to inset a portion of the Cemetery into the building’s footprint (creating an overhang of the building), may not be an

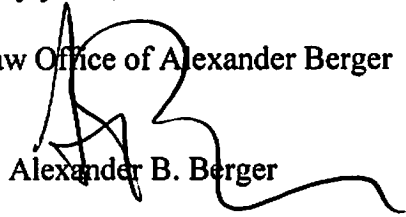
appropriate treatment of the Cemetery. We believe that the Cemetery merits additional “breathing room” and green space surrounding it, and separating it from the building. We look forward to obtaining the views of the SPRC and HALRB regarding this aspect of CUMC’s proposed re-design, both from the perspective of landscape planning and in the context of preserving the Cemetery’s historic integrity.

Sincerely yours,

The Law Office of Alexander Berger

By:

Alexander B. Berger



- cc: Mr. Erik Gutshall, Planning Commissioner, SPRC Vice-Chair
Mr. Michael Cullen, AICP, Urban Planner, Arlington County DCPHD
Ms. Joan Lawrence, HALRB Chair
Ms. Rebecca Ballo, Neighborhood Services Division, Arlington County DCPHD
Mr. Dale G. Mullen, Esq., CUMC Counsel
Mr. Patrick O’Neill, Archeologist and Historian
Ms. Ann Ward Little, represented descendant of Robert Ball Sr.
Mr. Randall G. Gott, represented descendant of Robert Ball Sr.
Ms. Anna Dean Brennan, represented descendant of Robert Ball Sr.
Mr. Claybrooke Coe Dean, represented descendant of Robert Ball Sr.