

# City of Alexandria, Virginia

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## MEMORANDUM

**DATE:** NOVEMBER 7, 2024

**TO:** CHAIR MACEK AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** KARL MORITZ, DIRECTOR; DEPARTMENT OF PLANNING & ZONING

**SUBJECT:** DSUP #2024-10008 / 5216 Seminary Townhomes / Response to N. Kenkeremath's October 30, 2024, Letter

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Staff have reviewed the letter dated October 30, 2024, titled "Proposed Preliminary Site Plan For 5216 Seminary Road" by Nandan Kenkeremath and signed by the Board of Directors of Seminary Park Community Association, Fairview Homeowners Association, and 27 residents. Staff also note that the Seminary West Civic Association sent a separate letter on October 30, stating that they support the points presented in Mr. Kenkeremath's letter. We have prepared this memorandum to list and respond to the specific claims detailed in Mr. Kenkeremath's letter and have organized the claims that he raised by topic:

- I. Overall
- II. Building Typology
- III. Dimensional Requirements
- IV. Open Space
- V. Affordable Housing
- VI. Transportation

We reaffirm our staff report recommendation to approve the Development Special Use Permit and associated Special Use Permits and modifications to construct the seven townhomes, subject to compliance with all applicable codes and the recommended conditions included in the report.

**STAFF:**

Karl Moritz, Director, Planning & Zoning  
Maya Contreras, Principal Planner  
Jared Alves, AICP, Urban Planner

**I. Overall:**

1. Claim: “The plan violates numerous requirements of the Zoning Ordinance for the City of Alexandria”
  - **Response: Staff have evaluated the proposal against the Zoning Ordinance requirements and have determined that it complies with them. Refer to the Staff Analysis section of the staff report (p. 6-14) for our review of the relevant Zoning Ordinance provisions.**
2. Claim: “The plan will reduce the quality of our neighborhood and property values”
  - **Response: Staff believe that the proposed Cluster Special Use Permit (SUP) site design and building architecture is sensitive to the existing neighborhood context, which includes townhouses developed under RB zoning in the adjacent Seminary Park Townhomes and Seminary Heights Condominium developments. Townhouses are a long-anticipated use at this site, which was rezoned to RB in 1979.**
3. Claim: “There is no improved living environment”
  - **Response: Staff believe that the proposed Cluster SUP site design offers an improved living environment relative to a non-cluster design by maximizing safety along Echols Avenue with fewer curb cuts and therefore fewer conflict points between pedestrians and motorists.**
4. Claim: “There is no additional economic development”
  - **Response: The Cluster Development’s § 11-602 purpose calls for a “more economic development layout” not more economic development. Staff support this layout as it enables the construction of seven townhouses without the safety challenges posed by alternate, non-cluster layouts. Staff would not support a non-cluster layout with front garages and driveways closer to the intersection with Seminary Road, thereby decreasing the number of possible townhouses on the site.**
5. Claim: “There is no ingenuity and originality in total subdivision and individual site design”
  - **Response: The site design differs from the adjacent Seminary Park Townhomes and Seminary Heights Condominium townhouse developments with rear-loaded buildings that use the allowances under a Cluster SUP to achieve different setbacks.**
6. Claim: “The overall cluster regulations are for a larger, more diverse community plan than is possible in this area and certainly not represented by a simple row of 7 townhomes”
  - **Response: The Cluster SUP provisions may apply to proposals with five or more units. The applicant is proposing seven units.**
7. Claim: “The plan fails the general purpose and intent under 1-102(B) to protect the established character of existing residential neighborhoods”

- **Response: The Zoning Map identifies the subject property as in the RB / Multi-Unit zoning district. The adjacent properties to the South and West are also in the RB zoning district (Seminary Park Townhomes and Seminary Heights Condominium) and were developed previously as townhouses. The use is consistent with the RB zoning district and adjacent properties and the layout is consistent with the Cluster Development SUP.**

8. Claim: “The specific location is the wrong place for higher density”

- **Response: The applicant is proposing seven townhouses consistent with the underlying RB zoning district density and use limitations for this site as modified by the Cluster SUP and bonus density for affordable housing SUP.**

## **II. Building Typology**

9. Claim: “Cramming 7 townhouses into that corner lot and modifying all normal yard, set-back, lot, and open space requirements is inconsistent with the fundamental characteristics of our residential community”

- **Response: The underlying RB zoning district for the site permits up to seven townhouses on the property. Staff have evaluated the Cluster SUP proposal against the Zoning Ordinance requirements and have determined that the application is appropriate for this site.**

10. Claim: “There is no variety of types of residential dwellings. Affordable housing is not a different type of residential dwelling”

- **Response: The architecture and size of the individual townhouses would vary. As rear-loaded townhouses, they would also vary from the adjacent front-loaded townhouse and detached homes in the neighborhood thereby providing a variety of types of residential dwellings in the immediate neighborhood.**

## **III. Dimensional Requirements**

11. Claim: “Our read is that the proposed townhome closest to Seminary Road must take the position as a corner lot and is subject to a 38-ft. frontage requirement on both Echols and Seminary”

- **Response: Lot 501 is not a corner lot as it does not front two or more streets at their intersection, per § 2-167, and it is therefore not subject to the 38-ft. frontage requirement.**

12. Claim: “If proposed outlot 500 were to be considered a corner lot, it would fail the 38-foot corner lot frontage requirements”

- **Response: Lot 500/Outlot A is a corner lot, but it is not subject to this requirement, which are specific to buildable lots.**

13. Claim: “By inappropriately reducing the frontage requirements, the proposal appears to then claim the rule that if a Townhouse is less than 25 feet wide then there is no side yard requirement”

- **Response: The applicant is requesting modifications allowed under the Zoning Ordinance Cluster Special Use Permit allowances to the required side yards for the end units.**
14. Claim: “The proposal involves an unusual, proposed Lot 500/Outlot A. The use and relationship of proposed Lot 500 to the other lots raises many questions.”
- **Response: The cluster development SUP anticipates common lots like Lot 500/Outlot to achieve the cluster design.**
15. Claim: “It is apparent that the floor area under the cluster design is much larger both on a lot-by-lot basis and in total”
- **Response: The applicant has provided an exhibit showing a seven-townhouse proposal consistent with the RB zoning district requirements, including the maximum permitted density, in conformance with the Zoning Ordinance cluster development requirements. The applicant is also requesting additional density for affordable housing consistent with §7-700.**
16. Claim: “We note that we are skeptical that the applicant’s diagram that the non-cluster design with the 29-foot-high buildings are credibly 3-stories. If not, the square feet calculations would be even smaller for the baseline proposal”
- **Response: The applicant has provided a site plan consistent with the Cluster SUP requirements. The Zoning Ordinance does not require the applicant to provide elevations for a non-cluster development scenario.**
17. Claim: “The applicant has exceeded the floor area in the proposed cluster design that could have been developed based on the applicant’s own townhouse dimensions they proposed in the baseline diagram. The proposal exceeds the baseline both for individual units and for the total”
- **Response: The applicant has provided an exhibit showing a seven-townhouse proposal consistent with the RB zoning district requirements, including the permitted density, as required by the cluster development provisions. In addition to the Cluster SUP proposal, the applicant is requesting additional density for affordable housing consistent with § 7-700.**
18. Claim: “The proposal fails to follow the procedural requirement under Sections 11-603 (B) to show the land could have could have accommodated 5 or more dwelling units not considering potential application of the cluster regulations and fails the until limitations under Section 11-603 (D)”
- **Response: The applicant has provided an exhibit showing seven townhouses that would comply with the baseline RB zoning district requirements as required by the cluster development provisions.**
19. Claim: “What is clear is that given the dimensions including depth and height, one could not fit 7 townhomes under the ordinary rules”

- **Response: The applicant has provided an exhibit showing seven townhouses that would comply with the baseline RB zoning district requirements as required by the cluster development provisions.**
20. Claim: “One cannot simply substitute larger townhomes after showing a baseline using smaller townhomes to establish the number that could be approved under ordinary regulations”
- **Response: The non-cluster proposal shows the potential development without the benefits provided by the cluster provisions, so the ordinance does not expect the dimensions to be the same. Since the cluster provisions give allowances for setbacks, lot size, etc. the ordinance anticipates that the design will be different.**
21. Claim: “Building enlargement is also a separate construct under the ordinances than changing lot sizes, yard sizes and setbacks. While modification of lots and yards is specifically mentioned under cluster design code building enlargement is not”
- **Response: The Cluster SUP does not restrict the FAR below the non-cluster scenario. The proposal is consistent with the FAR limits of the RB zoning district with the additional FAR permitted for bonus density associated with affordable housing, per § 7-700 SUP.**
22. Claim: “The proposal fails to properly address the requirement under Section 11-603(g) that the yard regulation applicable to the abutting residential properties at Seminary Park also apply under the cluster regulations to the 5216 site”
- **Response: The applicant is seeking modifications from these requirements consistent with the Cluster SUP provisions. The adjacent properties are also in the RB zoning district, so the same dimensional requirements apply.**
23. Claim: “The elevation on pages 119 and 120 of the staff report (A-201 and A-202) indicates the 44-foot height applies at the top of subfloor 4<sup>th</sup> floor, but there is an entire structure on top of this level. The structure on top is not an “appurtenance” as described in Section 2-145(H) or Section 6-403(B). Accordingly the roofline is the top of the structure sitting on top of the 4<sup>th</sup> floor is the proper height and exceeds the 45-foot limit”
- **Response: The structures atop the roof are staircases to access the roof decks. Per § 6-403(B) stairs may be erected to their required heights regardless of any other height restrictions of the ordinance. Staff disagree with the author’s assertion that the stairs are not qualifying appurtenances.**
24. Claim: “It is not appropriate to fail to identify which proposed lot is the corner lot. Our interpretation is proposed lot 501 is simply a non-compliant corner lot which fronts Seminary Road and Echols Avenue. We not believe a plan can simply lay a 1-foot buffer area and self-declare the disappearance of corner lot status”
- **Response: Lot 501 is not a corner lot as it does not front two or more streets at their intersection, per § 2-167. Lot 500/Outlot A would be a corner lot under this proposal. This common lot satisfies the requirements of the Cluster SUP to establish a common**

area and is not equivalent to creating a lot with a small buffer to avoid corner lot requirements under alternate development scenarios.

#### IV. Open Space

25. Claim: “The plan is unworkable, unfair and unsafe, including for any children who might live in these proposed townhouses”

- **Response: Staff believe that the Cluster SUP design is safer than the non-cluster design by minimizing the number of curb cuts on Echols Avenue and by providing a right-of-way dedication on Seminary Road that will enable future safety improvements by the City. The proposal exceeds the common area requirements of the Cluster SUP and the minimum open space requirements of the RB zoning district.**

26. Claim: “The proposal fails the lot size reduction and cluster open space requirement of 11-604(A) which states: In each zone in which cluster development is allowed, the lot size may be reduced provided that an equivalent amount of suitable land in open space or common area is preserved and maintained for its scenic or historic value, or for schools, community buildings or sites or related uses. We calculate this table to mean 11,000 SF of ground level open space total and, from prior calculation, an 18,620 total lot size”

- **Response: The proposed townhouse lots sum to 7,390 SF, which is 6,446 SF less than the minimum required by the RB zoning district (if each lot were at least 1,980 SF). The applicant is providing a common Lot 500/Outlot A totaling 10,218 SF, which comprises usable open space and the shared drive aisle. This common area exceeds the minimum required by the Cluster Development SUP. Further, the applicant is providing 5,000 SF of at-grade usable open space that is coterminous, undivided, and has direct access from each dwelling unit. This amount exceeds the 978 SF minimum (15% of total common area) required by the ordinance.**

27. Claim: “The rooftop areas do not meet the terms under 11-604 (A) for ‘an equivalent amount of suitable land’. The rooftops are not land. The rooftops are not common space as they have divisions between. The roof tops are really decks. The rooftops are not open and usable space”

- **Response: Staff agree that the roof decks do not count towards the § 11-604(A) requirement and the applicant is not counting these areas. Separately, the applicant is counting the roof decks as usable open space consistent with the RB zoning district open space requirements.**

28. Claim: “The common open space area designated proposed lot 500, whose purpose appears to be a common driveway, common yard space, and a drainage structure does not satisfy the purpose test of the requirement”

- **Response: The applicant is providing sufficient common area to satisfy this requirement. The common area can include open space, recreational or parking areas per § 11-604(A).**

29. Claim: “We do agree the ‘street dedication’ of 988 SF is a potential advantage for the City, should the City decide to use it. However, this trade does not satisfy the language of Section 11-604(A)”

- **Response: The applicant is satisfying the common area open space requirement without counting the street dedication.**
30. Claim: “Under Section 11-604 (B) requires that cluster open space shall be protected by legal arrangements, satisfactory to the city council, sufficient to assure its maintenance and preservation for purpose for which is intended. While we understand not having the actual legal plan at this stage, we have not identified an outline of the proposed legal arrangements”
- **Response: The applicant will need to satisfy this requirement. City staff typically review covenants and related legal instruments prior to issuing Certificates of Occupancy.**
31. Claim: “We should see the proposed legal arrangement described under Section 11-604 (B) to be able to comment on the mechanism to maintain cluster open space”
- **Response: The applicant will need to satisfy this requirement. City staff typically review covenants and related legal instruments prior to issuing Certificates of Occupancy.**
32. Claim: “Direct access is not provided from each unit to the common and usable grass area for Lot 500/Outlot A and, instead, people must go out the front door, use the sidewalk, and then access from a side or a driveway”
- **Response: In addition to those entrances, direct access is also provided via the rear garage entrance/exit.**
33. Claim: “The rooftops also do not qualify for the open space ratio of 35%. Without the rooftops, the open space appears to be 27%”
- **Response: The RB zoning district allows roof decks to count for usable open space per § 3-706(B).**
34. Claim: “There is no preservation of open and usable space to serve recreational, open space, scenic, public service, on other purposes related there to”
- **Response: The applicant exceeds the common area requirement, including that the area required to be conterminous, undivided, and have direct access. In addition, the applicant exceeds the minimum usable open space requirement in the RB zoning district.**
35. Claim: “The Proposal Shows No Authority or Standards for Modification To the 60-Foot Set Back Requirement from Center Line of Seminary Road Under 7-1006 (D); The Proposal Fails That Requirement. The cluster regulations do not override this requirement”
- **Response: Staff agree that this modification is not part of the Cluster SUP. However, the applicant can request this modification separately under § 11-416 and has done so. The proposed setback from Seminary is consistent with the adjacent townhouse at 5141 Heritage Lane.**

36. Claim: “The Plan Does not Provide the Required Yard Space or Landscaping on Lot Space as Under 7-1600 Where There Is a Shared Private Driveway”

- **Response: This provision of the Zoning Ordinance is not applicable. The shared drive aisle is within proposed Lot 500/Outlot A and is not within the proposed lots for the individual townhouses.**

37. Claim: “There are no outside places for dogs”

- **Response: the Zoning Ordinance does not require space for dogs. The applicant is meeting the minimum open space requirements in the RB Zoning District and with a Cluster SUP.**

38. Claim: “The usable common space that is green in the proposal for 7 Townhomes is very small”

- **Response: The applicant is meeting the minimum usable common space requirement of the Cluster SUP.**

39. Claim: “There are no ordinary back doors to this [open space] area”

- **Response: The building design includes front doors and rear garage doors. Future residents may use both doors to access the ground level open space.**

## V. Affordable Housing

40. Claim: “Section 7-700 Provides Authority for Changes to Floor Area Ratio, Density, Height and Reductions in Required Off-Street Parking but Not to The Lot Sizes, Frontage, Set-Backs And Yard Sizes”

- **Response: The applicant is seeking modifications to lot size, frontage, setbacks, and yard sizes under the Cluster SUP and § 11-416 for the setback from the centerline of Seminary Road.**

41. Claim: “A Special Use Permit implementing Section 7.700 is Not Appropriate for the Current Proposals Including Because the Proposed Plan Is Not Designed to Avoid, Minimize or Mitigate Any Potentially Adverse Effects on the Neighborhood as a Whole Under 11-501 And Fails the Considerations on Review of 11-504”

- **Response: Staff have determined that the plan as proposed with a Cluster SUP and SUP for bonus density under § 7-700 is compatible with the neighboring properties in scale and use and mitigates potentially adverse effects on the neighborhood by providing appropriate setbacks (when including Lot 500/Outlot A) from adjacent properties and minimizing curb cuts onto Echols Avenue to avoid conflicts between pedestrians and motorists.**

42. Claim: “The City cannot commit that the developer will maintain low-income housing while the downside of the crowding is irreversible”



- **Response: The Applicant’s Affordable Housing Plan and Staff’s recommended conditions of approval require the applicant to provide the committed affordable unit for 40-years, which is the standard period.**

## **VI. Transportation**

43. Claim: “The plan will exacerbate what is already a substantial problem in terms of traffic and safety at the corner of Seminary Road and Echols Avenue”

- **Response: The scale of the proposal did not trigger a detailed traffic study (would need to generate 50 or more peak hour trips) and, based on ITE standards, Staff do not anticipate that the project will create any impacts to the existing roadway network. Staff believe that the proposed Cluster SUP design will mitigate potential safety risks relative to a non-cluster design by limiting vehicular access to one curb cut and locating the curb cut furthest from the intersection with Seminary Road. In addition, the right-of-way dedication will enable Staff to implement future safety improvements on Seminary Road.**

44. Claim: “The proposal would cause substantial parking problems on Echols Avenue”

- **Response: Since the proposed townhouses are in the Enhanced Transit Area, the Zoning Ordinance does not require any off-street parking. The applicant is proposing at least one garage parking space per unit, although the design may accommodate two vehicles. Staff have reviewed the proposal and have determined that the expected number of vehicles will not create a substantial parking problem on Echols Avenue.**

45. Claim: “The crowded brick of 7-townhomes inconsistent with the set back and yard requirements will adversely affect the character of the neighborhood, traffic conditions and parking under 11-504(10)”

- **Response: The proposed use is consistent with the surrounding neighborhood and the density permitted by the RB zoning district. Since the proposed townhouses are in the Enhanced Transit Area, the Zoning Ordinance does not require any off-street parking. The applicant is proposing at least one garage parking space per unit, although the design may accommodate two vehicles. Staff have reviewed the proposal and have determined that the expected number of vehicles will not create a substantial parking problem on Echols Avenue. The scale of the proposal did not trigger a detailed traffic study. Based on ITE standards, Staff do not anticipate that the project will create any impacts to the existing roadway network.**

46. Claim: “The crowding of townhouses fails to reduce or prevent congestion in the public streets at the critical intersection of Echols and Seminary Road”

- **Response: The proposal did not trigger a detailed traffic study. Based on ITE standards, Staff do not anticipate that the project will create any impacts to the existing roadway network.**

47. Claim: “The Plan Creates Substantial Parking Problems on Echols Avenue. Currently, no parking is allowed on the side of Echols Avenue at this site. The plan would add, likely, 14 extra cars.

Seven might be handled by the proposed parking garages, but the garages are not realistically able to handle 14.”

- **Response: Since the proposed townhouses are in the Enhanced Transit Area, the Zoning Ordinance does not require any off-street parking. The applicant is proposing at least one garage parking space per unit, although the design may accommodate two vehicles.**

48. Claim: “As it is, we do not believe the turning situation is credible. If it snows and plowing, is required it will make the ability to turn even harder. Any visitors would never be able to make specific turns into the garages. This means significant reduction in available parking on Echols Avenue”

- **Response: The applicant provided turning movements demonstrating that the shape and size of the drive aisle would enable motorists to access the garages. Staff do not have any concerns with the proposed design.**